



OSU LAW RECORD

The Ohio State University College of Law Alumni Association

Spring 1985

Changing Scenes



**The Changing Role of the Corporate Counsel
Are There Too Many Lawyers?**

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Prepared and edited by:

Dean Joanne W. Murphy

Assisted by:

Joseph Charles Burgess, J.D.

(With special appreciation for his
reporting, writing & general assistance)

Photography by:

Joseph Charles Burgess, Dennis Howard
and Joanne W. Murphy

**Send Address changes and Alumnote
information to:**

Mrs. Pat Howard

OSU Law Record

1659 N. High Street

Columbus, Ohio 43210

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On the cover

New entrance gates to the University
have been and will be constructed at all
major street entrances. The gate pictured
is the entrance at 12th Avenue with the
College of Law in the background.
Construction was completed in the fall.

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United Way

The College of Law met its 1984
United Way Challenge and did its
part with many other units to carry
the University United Way
Campaign significantly above goal.

A Change Of Roles For James Meeks



Life is a fabric held together with changes, although we often accept them with reluctance. So has the College responded to James E. Meeks' announcement to leave the deanship at the end of this academic year.

Dean Meeks has provided the College and University with seven years of strong leadership. In regretfully accepting his resignation, OSU President Edward H. Jennings said, "The University has benefited from the outstanding example of leadership that Jim Meeks has consistently provided. He has had a significant positive impact on our quality and our future directions — not only in the college, but also on the university as a whole." Ohio State Provost Diether H. Haenicke, praised Dean Meeks' contributions to the College. "His tenure has been one of continued strengthening of the reputation of our College of Law, particularly in our impressive clinical programs, in teaching and in professional training," he said.

Changes at the College over the past seven years attest to Meeks' leadership and forward thinking. He has forged stronger alliances

with alumni and friends, giving the College a sure forward momentum. New records in annual fund growth and endowments show Dean Meeks' commitment to alumni services and involvement. He has directed resources to secure and build the distinction of the Law Library collection, to strengthen the faculty, to introduce innovative educational programs and to bring new technology to the management of the College.

The future will always hold new challenges for the talents of Jim Meeks. His immediate plans are to return to teaching as a member of the College faculty. "I love the classroom," he says, anticipating full commitment to his professorial role. Meeks is a nationally known scholar in antitrust law and public utility regulation. He has published widely in both fields and has taught property and environmental law as well.

The *Law Record* joins with the College's alumni, students and faculty in expressing sincere appreciation to James E. Meeks for his service as Dean. May his own rewards from his tenure as dean be as lasting as his contributions to this College.

College News

"Change" - Theme for Annual Return

The tradition of the Annual Alumni Return continues as an important event in the life of the College. 1984 was no exception. Alumni enjoyed a change of activities, acknowledged change in the professional role of corporate counsel, and learned of changes within the College.

National Council Meets

Alumni members of the National Council were the first to return on Friday morning, October 12. Members were advised by Dean Meeks of his decision to change roles. He also discussed the strengths and challenges identified for the College from the completed accreditation visit and College self-study. Small group meetings gave specific focus to the role of alumni in goal development and implementation. The Council re-elected **Thomas Cavendish, Jack Davis** and **Joanne Murphy** as officers for the coming year and welcomed **N. Suzanne Higgins** and **Charles Saunders, Jr.**, as newly elected members.



National Council members listen to faculty discuss course innovations.

Faculty Members Share Innovations

Change in legal education is a hallmark of the vitality and responsiveness of academic programs. The College of Law has kept pace with change and set pace for innovative programs. To discuss some of these changes were **Professor Harriett Galvin** and **Professor Nancy Rogers**.

Professor Galvin entertainingly described the organization, purposes and success of the Prosecutor's Practicum she introduced in 1984 as part of the Legal Clinic Programs. Although Professor Galvin needed the assistance of the Columbus Telephone Directory to reach the podium microphone, there was no question that she stands tall in the eyes of her students and the



Harriett Galvin

community of Delaware, Ohio, which coordinated the program through its Prosecutor's Office. With able, anxious students to uphold the law, and an experienced tutor as Professor Galvin, the word has gone out, "Don't break the law in Delaware County."

Courtroom techniques are not the only skills students develop at the College. Professor Nancy Rogers' teaching objectives are directed to dispute resolution outside of the judicial process and the courtroom. When, why and how those skills can be used is the focus of her innovative course in Alternative Dispute Resolution. Professor Rogers shared with the luncheon audience some of the related professional-ethical questions which she and students confront during the course.



Nancy A. Rogers

The luncheon audience was impressed by the competence and enthusiasm these able professors bring to their teaching.

Alumni Return Dinner

The Hilton Inn was the scene for the Annual Return Dinner. Approximately 125 alumni, faculty and guests began greetings at 6:30 p.m. Following the dinner, participants remained to enjoy visiting and dancing to the music of Joe Grant. Students joined in this part of the evening's activities.



Among alumni welcomed to Return Dinner:

George A. Hairston, Class of '68



Noel F. George, Class of '32

50 Year-Class Honored

Members of the Class of 1934 were present to receive special recognition at this significant occasion of celebration. **Carl Tucker**, coordinator of the event, greeted fellow class mates to begin their weekend reunion which concluded with their own private dinner party the following evening. Dean James Meeks presented certificates to class members **Arnold Levin** and **Carl Tucker**.



Carl C. Tucker, organizer of '34 Class Reunion, with Dean Emeritus Frank R. Strong and Donald A. Dietsch '26, oldest graduate at Alumni Dinner



Arnold S. Levin '34 receives 50-Year Certificate

Leadership Changes

The College of Law has always been the benefactor of the service and interest of its alumni. Presidency of the College's Alumni Association is a one-year term and changes upon election at each Return Day. **The Honorable Robert M. Duncan**, Judge, Federal District Court, Southern District of Ohio, served in this position for 1983-84. **James K.L. Lawrence**, partner in the firm of Frost & Jacobs, Cincinnati, assumed the presidency October 12. **Sally W. Bloomfield** serves as president-elect and **Charles J. Tyburski** as secretary.



Judge Robert M. Duncan, President 1983-84



James Lawrence, President 1984-85



William J. Reidenbach '54, General Counsel, The Columbus Mutual Life Insurance Co., receives Certificate of Distinction

Corporate Counsel Honored

The growth of the "in-house" counsel staff is one of the more dramatic changes occurring today within the legal profession. It is estimated that some 20% of the 650,000 practicing attorneys in the United States are working directly for corporations. These employees are competent, sophisticated lawyer-managers.

The job description is awesome. The corporate counsel must be a well-informed business person, an expert in preventive management, skilled in political and regulatory matters and equipped with the technical expertise to deal with fast-breaking issues of concern in the courts, government and the media. The day to day tasks and responsibilities range beyond directing legal matters and litigation, to coordination of governmental affairs, public relations and scientific concerns with an eye to avoidance of legal problems. Counsel is often the pivotal person acting as chief liaison between the public and top management.

The College of Law is proud of the some 250 men and women who today share in this growing number of corporate managers, 70 of them as the top legal officer.

Charles E. Welch was selected as a person who not only is the epitome of the corporate counsel of today but someone who has helped shape this



DeLloyd L. Roush '50, General Counsel, Automobile Club Insurance Co., and Robert D. Hays '52, General Counsel, White Castle System, Inc., among honorees at banquet



Jerome B. Haddox '59, General Counsel, J.C. Penney Casualty Insurance Co.

role. He ably represents the contributions of our alumni honored on the occasion of the 1984 Annual Alumni Return.

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Charles E. Welch Is Special Guest



Charles E. Welch '51 — Vice President, General Counsel and Secretary, E.I. de Pont de Nemours Co.

Prudent altruism should guide inside counsel in advising and representing their corporate clients. That's the view of **Charles E. Welch**. He should know. An alumnus of OSU's College of Law, Welch served as General Counsel for E.I. du Pont de Nemours Corporation from 1975 until his retirement just this past December 31. He also held the position as the company's Senior Vice-President for External Affairs. The following interview was conducted October 13 and remarks are attributed as of the time of the interview.

Growing Up in Columbus

As a youth, Welch may have been a little imprudent, or perhaps too altruistic. An enterprising boy growing up within sight of the College of Law, Welch had a newspaper route on the campus, and he fretted over trying to collect from the "poor pays" during the lean mid-1930s. That experience, he suggests with a laugh, may have prompted his interest in business.

A long ladder rises from newscarrier to the boardroom and top legal office of a multi-billion dollar, high tech corporation with a legal staff numbering 350 lawyers. Columbus and Ohio State gave Welch a good start on his upward climb. During the late '40s, he worked mornings at the Columbus post office, taking business administration courses

in the afternoon at OSU. In just three years he earned his Bachelor of Science degree. Following his marriage to Charma Lee Overbeck in 1949, Welch spent the next two years repairing the city's traffic lights and studying law. He received his J.D. in 1951, then served two years in the U.S. Army.

The Professional Ladder

As a lawyer, Welch has had only two employers. Interestingly, neither was a private law firm. His first employer was the Ohio Department of Taxation, which he joined in 1953. A scant five years later he had escalated through the ranks to become Chief Counsel. In 1958, Welch moved to du Pont, his second employer, starting as an attorney in the company's State and Local Taxation Division.

The shift proved beneficial for Welch. His climb up the corporate legal ladder at du Pont has been steady. A big step came in 1969, when he was picked to direct the company's Government Affairs Division. Eighteen months later, he was appointed assistant general counsel. After acceding to du Pont's top legal office in 1975, he was named Senior Vice President in 1979.

Behind that steady climb, there have been challenges that have fueled Welch's native enthusiasm and breadth of perspective. Du Pont has had a

history of environmental concern dating back to its policy of 1924. As the company's tax department evolved into its Governmental Affairs Division, Welch faced the task of becoming schooled in environmental law. In those days, there were few guides to such learning, and Welch recalls he was largely self-taught. For mentors, he turned to du Pont's experts on the environment. Welch obviously learned his lessons well. For several years he served as du Pont's chief legal representative on environmental matters.

That incident could reflect a skilled lawyer fashioning a career with a prudent eye toward the needs of his employer. But there is more to the picture of Welch. He has helped to shape a new style of corporate lawyering.

Corporate Responsibility and Public Interest

Corporate counsel can no longer be merely adversaries defending corporations against government and the public. Instead, they are thrust into the role of practicing preventive law, working with government to formulate laws and regulations that preserve corporate interests and respond to legitimate public concerns. This cooperative spirit reflects what Welch calls "prudent altruism."

Welch maintains that the new style of corporate lawyering also requires that corporate counsel work more closely with management. To be effective practitioners of preventive law, corporate counsel must become involved at an early stage with the broader business of the corporation. Welch's career illustrates this, too. As du Pont's Senior Vice President-External Affairs, he manages the company's Marketing, Communications and Public Affairs, as well as its Legal, Departments. While he says that ninety-five percent of this work now is not directly concerned with legal matters, he admits this without the least regret.

Confidence, competence, and being at the top of the corporate ladder haven't blurred Welch's sense of humanity. He has the congeniality of a person who feels comfortable with the milieu he has created for himself. And from the top he still sees clearly the home ground on which the corporate ladder rests. As he rode through the streets of downtown Columbus, he welcomed the chance to see the old fire station and recalled fondly the days when his father had been chief.

New Cooperative Role For Corporate Counsel

Summary of Remarks by Charles E. Welch at '84 Annual Alumni Return Dinner in October

It is better to cooperate with government to write the laws than it is to go to court to confront the laws," Charles E. Welch asserted, describing the new role he sees emerging for corporate counsel. Welch was the feature speaker at the Annual Alumni Return Dinner which honored OSU law graduates who have become corporate general counsel.

Welch's historical sketch of the corporate experience showed business and government locked in an adversarial relationship for most of this century. Waves of laws restricting business emanated from legislatures sensitive to public distrust of corporations growing in size and power. In their representative function, corporate counsel geared up to resist government control and entered the fight. But the picture began to change in the mid-1960s, Welch said. At the helm of many corporations was a new generation of business leaders who realized that fighting government often was to little avail. Instead of resisting, he said, the new corporate captains believed "it would be better to try to understand the causal forces (behind the government regulations), to be able to predict what was coming, and to minimize damage . . . It would be better to help than to hinder, to cooperate rather than denunciate."

A new business philosophy also emerged to support this changing attitude of business leaders. The idea that "business is business" yielded to what Welch characterized as "prudent altruism." Among the principal exponents of this view, Welch cited economist Peter Drucker, former General Electric Vice President Lemuel Ricketts Boulware, and Irving S. Shapiro, who preceded Welch as du Pont's assistant general counsel and later became the company's CEO. The new philosophy, Welch said, emphasizes "the social purpose of business management (as the balancing of) the contributions and claims of suppliers, employees, customers, shareholders and the public."

It urges business to "do . . . right voluntarily." It directs business "to examine its practices and how it relates to external forces, and to change to meet change." Changing to meet change has thrust corporate counsel into the role of being active in the public arena, including cooperation with government in helping to reshape legislation, according to Welch. Today's corporate counsel must work with government "to provide a legal or legislative remedy . . . (for) issues of public concern and corporate interest." And this means they can no longer damn public concern but must be more discerning and assess the rationality of what motivates the public to seek the comfort of laws regulating business.



Charles E. Welch addresses '84 Alumni Return Banquet

Illustrating corporate counsel's new role, Welch described how the drug industry has worked closely with government in response to public suspicion that unsafe or ineffective drugs manufactured in the U.S. were being dumped abroad. The federal government initially responded to the problem by prohibiting U.S. drug manufacturers from exporting products which had not passed through the lengthy FDA approval process. This discouraged some U.S. companies from developing drugs for diseases peculiar to Third World countries, an unfortunate result for both the U.S. drug industry and those plagued by the diseases.

However, Welch explained, drug industry corporate counsel have worked with the government to develop legal remedies. Two remedies are proposed legislation permitting export of U.S.-made drugs which have received

Changing to meet change has thrust corporate counsel into the public arena.

approval in other advanced countries and proposals for streamlining the FDA approval process. While such legislation has not yet been enacted, Welch noted that industry and government cooperated to change patent laws, extending the period of protection to cover part of the time new drugs undergo testing to meet FDA requirements. In fashioning these remedies, corporate counsel have had a hand in balancing the interests of drug manufacturers against the sometimes angry concern of the public to keep non-FDA approved drugs from being exported.

Welch's primary example of the cooperative corporate counsel spirit at work was genetic engineering. Public fear and misunderstanding have spurred regulation of genetic engineering at the federal and even local level. But as industry prepares to turn laboratory discoveries into commercial products, it is faced with regulatory disorder. Welch noted that at least three federal agencies are now perplexed about just "who has jurisdiction over what."

"There is a legal remedy to this disorder," Welch asserted, drawing attention to a federal cabinet-level group soon to issue a report "which will be a prelude to regulation of biotechnology." "Industry representatives are involved," he added, "helping to compose a legal remedy that private enterprise can live with and, importantly, under which it can compete, and a remedy that also will allay incipient public fear."

If Welch is right about the emerging cooperative role of corporate counsel, it's a safe bet that those industry representatives are listening closely to their corporate counsel. For himself, he concluded, "It has been my good fortune to be in corporate law during this evolving change in the relationship of business to society and the consequent change in the role of corporate counsel."

Alumni and Faculty Look at the Changing World of Corporate Counsel View Through the Kaleidoscope

Tomorrow never comes," Alice complained when the Red Queen promised her a party on the next day. Perhaps tomorrows always lie in the future in the wonderland through the looking glass, but tomorrow is already here for corporate counsel. And it has brought them a multi-colored, constantly changing world, according to College of Law alumni who sit as general counsel and hold top management positions with corporations across the country.

Last fall, a National Council Roundtable looked at the changing role of corporate counsel. Panel members included **Marshall Cox '59**, experienced corporate lawyer and Senior Partner in the New York law firm of Cahill, Gordon & Reindel; **Robert Hays '52**, Senior Vice President and General Counsel for White Castle Systems, Inc., **Charles E. Welch '51**, Senior Vice President for External Affairs, Secretary and General Counsel at E.I. du Pont de Nemours & Co., and **Ronald J. Zeller '67**, President and CEO of Norwegian Caribbean Lines.



Professor Sheldon Halpern

The session was chaired by **Professor Sheldon Halpern**, who joined the faculty this year after twenty-five years of corporate law practice, ten of them as general counsel and vice president of two major corporations. Questions and comments from **Professors Barbara Ash** and **P. John Kozyris**, both experts in corporate law, frequently evoked an excited exchange of views.

From the Roundtable emerged intriguing trends and distinctive patterns in the practice of the corporation lawyer. Recognizing the College has many alumni who hold top legal positions

with corporations, the *Law Record* invited several to respond to questions raised by the Roundtable discussion.

The *Law Record* is grateful to those who participated in the Roundtable and who have shared their views on the complex world of corporate counsel. With nearly a century and a half of combined corporate law practice, they are in a unique position to cast light on the challenges corporation lawyers face today. The following attempts to summarize a rich collection of comments.

How are the roles and responsibilities of corporate counsel changing?

Today more than ever before corporate counsel are team members. But the composition of the team and what is expected of its lawyer players have changed. What used to be a strictly legal team — the corporate legal department — is now a lawyer-management team, and corporation lawyers often work on a day-to-day basis with operating managers at all levels. While corporate counsel once served principally as legal advisers to top management and liaison with outside counsel, they are now involved in a broad range of corporate affairs. "The corporate counsel functions today both as a businessman and as a lawyer," says **David Ward**, and the emphasis is now on the business side.



David A. Ward '58 is Senior Vice President-Law and Human Resources, General Counsel and Secretary of Owens-Illinois, Inc. He joined the Toledo, Ohio, based company in 1962 and from 1980-82 served as General Manager of its European Division.



Executive suites becoming home to corporate counsel as they assume management roles

This business emphasis means that many corporation lawyers, and especially general counsel, are spending substantially more time on non-legal matters. General counsel often sit on top level management decision-making



E. Timothy Applegate '61 started his corporate law career as Assistant Manager for Legal Services of The Boeing Company's Commercial Airplane Division in 1963. Since 1972 he has been Senior Vice President and General Counsel for the international hotelier, Hilton Hotels Corporation, headquartered in Beverly Hills, California.

groups. Both **Ward** and **Timothy Applegate**, for example, belong to policy committees which chart the future direction of their companies. At SCOA, **William Friend**, contributes to even "the short-term decisions of operating divisions" as a member of its Planning and Budget Review Team and its Management Information Services Steering Committee.



William K. Friend started as a staff attorney at SCOA Industries, Inc., the day after he took the Ohio bar examination. Named Senior Counsel and Secretary in 1981, he heads SCOA's five-attorney legal department with offices in Columbus, Ohio. With more than 20,000 employees, SCOA is one of the oldest and largest non-food retailers in the country.

Corporate counsels' managerial role has also grown with the increased emphasis on business. According to **Edgar Bircher**, "Any general counsel with more than a couple of lawyers reporting to him is confronted with, at the minimum, the management of the legal function within the company." But managing the company's legal affairs is not necessarily limited to general

Edgar A. Bircher '61 is Vice President and General Counsel for Cooper Industries, Inc., in Houston, Texas. With subsidiaries in fourteen states, Cooper manufactures mining, construction and oil rig equipment, hand tools, and electrical construction materials. Revenues exceed \$2 billion. Bircher has been associated with the company for 21 years and has served as General Counsel since 1977. He practiced in Toledo before joining the company.

counsel nor to directing the corporation's legal department. Corporate counsel at all levels are now more actively monitoring the progress and costs of legal work farmed to outside law firms. Their management responsibilities can also extend to other areas of the company's operations: **Mary Jane Goldthwaite** supervises ChemLawn's real estate construction and leasing and shareholder relations programs.



Mary Jane Goldthwaite has been Vice President, General Counsel and Secretary at ChemLawn, Inc., since 1980. With headquarters in Columbus, Ohio, ChemLawn is a publicly held multi-service company with nationwide real estate holdings. She previously was associated with the Columbus law firm of Porter, Wright, Morris & Arthur.

At the same time as corporate counsel are becoming more business oriented, their legal responsibilities are increasing in complexity and shifting in emphasis. Corporate legal departments today are "faced with ever increasing statutory and regulatory requirements which affect corporations," noted **King Culp**. There is a growing concern, too, to practice preventive law. "We must be proactive rather than reactive in providing timely, innovative and sound legal advice . . . responsive to management's concerns," **Martin Coyle** says. Developing programs to ensure that the corporation's business operations and projects comply with federal and state laws and regulations is an important aspect of this practice of



Martin A. Coyle '66 is Vice President, General Counsel and Secretary at TRW Inc. located in Cleveland, Ohio. After six years practice with the New York law firm of Cravath, Swaine & Moore, he joined TRW in 1972 as Chief Counsel for Securities and Finance. He is Chairman-elect of the American Society of Corporate Secretaries.

preventive law, and their effectiveness often depends on corporate counsel communicating in new ways with management. **Friend** explains that SCOA's corporate counsel keep managers informed of their legal responsibilities with lectures, film presentations and pamphlets. "We are working with our auditors to insure that the managers are putting into practice the information that we are providing them," he adds.



King K. Culp joined the legal department of Magnavox Government and Industrial Electronics Company, a major defense contractor, in 1976. Since 1979 he has been Vice President, Secretary and General Counsel of the Fort Wayne, Indiana, based company. He has also taught corporate law courses at the U.S. Army Judge Advocate General's School and Indiana University.

These new demands on corporate counsel require them to look toward the future. "It helps to be a bit of a visionary," says **Culp**. "You need to anticipate fundamental changes, prepare for them and actively participate in a society moving ever faster into new and exciting areas."

How have these new roles and responsibilities affected the relationship between corporate counsel and outside law firms?

More and more, corporations are relying on their legal departments to handle company legal matters. Du Pont uses outside law firms only for anti-trust and patent litigation, **Welch** says. Almost all other legal matters are handled by du Pont's own 350 lawyers. Smaller corporations are following this pattern. According to **David Ward**, Owens-Illinois' staff of twenty lawyers performs the majority of its legal work. Over at TRW, **Coyle** says, "We establish an in-house capability when we believe we have a sufficient need or volume to justify it." Already the company's seventy lawyer legal department handles even such specialized areas as tax, antitrust and environmental law.

With corporations keeping more of their legal work "inside," what **Goldthwaite** calls the "captive-client" relationship to outside law firms has all but disappeared. **Bircher** recalls that when he joined Cooper twenty years ago, the company was tied to one law firm on which it depended for guidance on almost all substantive legal matters. "We no longer use one firm exclusively," he says. "Instead, we seek out specialty law firms for their renowned expertise." ChemLawn's **Goldthwaite** similarly reports that her company now calls on experts from several law firms for advice.

Although there is an unmistakable trend toward using outside firms only for special legal matters which cannot be handled by inside counsel, **Welch** notes there are other reasons which require corporations to sometimes turn to outside help. In spite of the fact that du Pont has its own litigation department, he says, "You can't try some local cases with a big New York or Wilmington slick lawyer. You have to have a local lawyer before the jury."

Robert D. Hays is Senior Vice President, General Counsel, Secretary and Member of the Board of Trustees of White Castle System Inc., a Columbus-based company operating a fast food chain of restaurants in 10 states and the manufacturer of sheet metal products. Hays joined the company in 1956 and became General Counsel in 1974.

The peculiar nature of privately held family corporations can create different sorts of problems which lead their counsel to turn to outside law firms. Among the challenges **Hays** says he faces at White Castle Systems are transferring money from the corporation to its owners in the most cost effective manner and planning for the devolution of equity interests of principal shareholders. But this can raise potential conflicts of interest. When this happens, **Hays** frequently calls on outside counsel to represent the interests of either the corporation or the family.

"The relationship between corporations and their outside counsel has become one of customer-supplier," observes **David Ward**. This, too, has altered the relationship between inside and outside counsel. **Ward**, **Applegate**, and **Culp** report that their legal departments actively manage their outside counsel. The relationship can be even more intimate. SCOA's outside counsel "do not do work that can be done 'in-house' without first discussing it with us," remarks **Friend**. He adds, "In the past, much of the work we assigned to outside counsel was completed solely by them. Now, many of the same projects are completed jointly."

Corporate counsel are also keeping closer tabs on the costs of services performed by outside counsel. General counsel, like the heads of other corporate departments, must budget costs, notes **Professor Halpren**, and management will not tolerate surprises in the form of cost overruns. Inevitably, this means that corporate counsel

Ronald J. Zeller is President and Chief Executive Officer of Norwegian Caribbean Lines. Based in Miami, Florida, NCL specializes in vacation cruises for 250,000 people a year. Zeller also sits on the board of Klosters Rederi A/S, NCL's Norwegian parent.

oversee and control the costs of using outside counsel. "Outside counsel are going to be under increasingly tremendous pressure to be more efficient as companies begin to focus on their costs," concludes **Zeller**.

What benefits do corporations get from this increased reliance on inside counsel?

Cost control may be the prime motive for the shift toward larger corporate legal departments with increased responsibilities. In **Zeller's** words, "Legal costs are getting so out of hand for so many businesses that they are creating internal law firms within the company." **Culp** agrees, pointing out that "senior management will no longer tolerate uncontrolled costs of outside counsel."

While companies are reducing their legal costs, or at least controlling them more effectively, they are also getting better legal service by relying more on their corporate counsel. Because inside counsel work closely and routinely with management, many legal problems can be either avoided or resolved at an earlier stage. "Since inside counsel are thinking with the businessman, corporation programs are developed with the law in mind," explains **Welch**.



Charles E. Welch recently retired as Senior Vice President-External Affairs, Secretary and General Counsel at E.I. du Pont de Nemours Co., Wilmington, Delaware.

Paradoxically, giving more responsibility to inside counsel can also improve the quality of services performed by outside law firms, especially when the two work closely together. "We are able to provide insight on the customs and practices of our industry and our company which otherwise would not be known by outside counsel," **Friend** remarks. Outside counsel share this view. According to **Marshall Cox**, the effectiveness of an outside lawyer carrying on litigation for a corporation turns on having "someone inside who knows what's going on and who is in close touch with management. There has to be communication between the outside lawyer and the inside lawyer as to what has to be done and what is being done." **Friend** says that inside counsel are also becoming better informed about the services outside counsel can provide and thus are better able to decide to whom to turn and when.

How does a large corporate legal department differ from a big outside law firm?

As some see it, there is not much difference. The legal departments of many large corporations closely resemble law firms already in place, according to **Marshall Cox**. "It's as though the regular outside counsel has been moved inside."

Others, like **Professor Halpern**, see important differences in their functions, dynamics and relationships. By the time young lawyers have spent a few years in a company's legal department they will have established close working relationships with management and operating personnel, he explains. These lawyers then perceive the company's legal problems in the context of its needs and aims. Similarly situated associates in outside law firms are more likely to view the problems in isolation.

Corporate counsel may also lead different lifestyles and face different challenges than their colleagues in the big corporate law firms. "If young lawyers tell me they want to make a million dollars, I'd tell them to go into private practice and point out they will have a different lifestyle," says du Pont's **Welch**. "When we get overburdened with work and our lawyers are putting in too many hours, we hire more lawyers. When law firms get in that kind of squeeze, they work more hours." The radically different ways in which corporate counsel and lawyers in large outside law firms practice their



Marshall Cox '59 practices corporate law as a Partner with Cahill, Gordon & Reindel. He joined the New York City law firm immediately upon graduation.

craft are partly due to the different challenges they face. **Professor Halpern**, who spent fifteen years in private practice before moving into the corporate world, says he found "the involvement with business, the task of juggling the different hats . . . the diversity of legal matters, even though for only one client, extraordinarily challenging."

Do the changing roles and responsibilities of corporate counsel mean they are facing new ethical dilemmas?

When corporate ownership was vested in the hands of a few, and often in the hands of those who directed the corporation, and when corporate legal departments were small, it was relatively clear to whom corporate counsel was responsible. Apart from the obligations dictated by the ethics of the legal profession, corporate counsel owed their loyalty principally to the senior corporate officers to whom they reported.

But the pattern of ownership of many large, publicly held corporations is much more diverse today. A company's shareholders may include the small stockholder principally concerned to collect quarterly dividend checks, institutional investors holding large blocks of stock, other corporations, and arbitrageurs willing to take high, short-term risks in the hope that the stock's value will change dramatically.

Corporate counsel, meanwhile, have become more intimately related to corporation management, and corporations themselves are becoming more socially responsible. This all adds up to shifting of the locus of corporate counsel's responsibility. According to **Welch**, today's general counsel is responsible not only to the company's board of directors, but also to its shareholders and even the general public. Since the interests of these parties do not necessarily always coincide and may even conflict with what the lawyer perceives as the best interest of the corporation, corporate counsel can be confronted with ethical dilemmas difficult to resolve.

The close relationship between corporate counsel and management can create another ethical problem, albeit one where the appropriate response is clearer. Increased rapport and familiarity between corporate counsel and the company managers with which they work may lead managers to call upon counsel for legal advice on personal matters. General counsel agree this is to be resisted. "Using inside counsel for the personal business of managers is unethical and an improper use of corporate assets," **Welch** declares, "It's inappropriate to use shareholder money for the benefit of any officer, director or anyone else in the corporation."

What does it take to make a good corporate counsel?

The path to the boardroom and general counsel's office is paved with experience — in the practice of law and with business. Still, there are many byways to that experience. "Any law school graduate must learn how to be a lawyer before considering joining a corporation," explains **Edward Lincoln**. He believes the best place to obtain the requisite broad legal training is generally in a high caliber law firm. **Ward** emphasizes the importance of trial work: "The lessons learned from trial work — finding key issues, skill in oral and written communication, being prepared and organized — are applied daily by general counsel." **Culp** says the extraordinary amount of responsibility given him during a four year tour with the U.S. Army Judge Advocate General's Corp left him with the motivation, training, and love of hard work which helped propel him to the top of Magnavox's legal department.

As essential as legal experience is a deep understanding of business and the corporate culture. Formal business training is helpful. **Friend** and **Applegate** attribute their advancement in part to the acumen acquired through their undergraduate business school programs, and Cooper sent **Bircher** to Stanford's Executive Program to prepare him for an executive management position in one of its subsidiaries. But the key element shared by almost all general counsel was a close involvement with business and management early in their legal careers.

Being at the top is one thing; getting started is another. And those at the top have some advice for young lawyers who have set their sights on a career as corporate counsel.

"The first steps are a diverse undergraduate program followed by a first rate law school," says **Culp**. Business courses, including finance, accounting, manufacturing and tax, should be an integral part of that undergraduate program. Because corporate counsel must understand organizational principles, **Bircher** recommends a good introductory course in psychology. As for legal education, contrary to what one might expect, **Culp** advises prospective corporate counsel against specialization: "Because being a general counsel means just that, law students should seek the broadest possible training in legal subjects." **Culp** also recommends that law students develop skills in counseling, negotiation, and alternative dispute resolution, since many corporations are moving away from litigation and adversarial conflict. Perhaps most frequently recommended for future corporate counsel are courses in taxation, and **Friend** suggests that students considering corporate practice apply for clerk positions in corporate legal departments.

After law school, what? In some instances going directly from law school into a company's legal department is not impossible. **Welch** says that du Pont hires some lawyers right out of law school and uses its own legal staff to give them the training and involvement with senior people that will turn them into good corporate counsel. But the direct route is more the exception than the rule. **Hays** and **Goldthwaite**, who both head relatively small legal departments, admit they do not have the time to adequately train and supervise recent graduates.

Edward W. Lincoln, Jr., recently joined Tetley Inc. as its Vice President and General Counsel. Tetley is a major producer and marketer of teas and coffees. Before joining Tetley, Lincoln was for many years Vice President and General Counsel of the Specialty Grocery Products group of the Heublein Company.

When considering candidates to fill openings in their legal departments, most general counsel look for experience, especially experience gained in a law firm engaged in corporate practice. This kind of experience affords young lawyers an opportunity to become familiar with the major concerns of corporate counsel, says **Ward**. **Applegate** points out that working with "varied clientele with varied views" helps young lawyers develop a broad perspective and facility for examining different approaches to problems. Lawyers interested in joining corporations should also consider specializing early in their careers. "A lawyer who has developed a specialty, even in an area unrelated to corporate practice generally, will have the discipline necessary to penetrate and develop a wide variety of legal issues," explains **Coyle**.

Once inside the door of the corporate legal department what remains is to become thoroughly familiar with the company's business. Almost all alumni who have ascended to the ranks of general counsel have done this in one way or another. As **Friend** explains: "The better acquainted an attorney is with the business of the corporation he or she represents, the better the chances for growth within the legal department and the corporation."

Is legal education keeping pace with the new demands on corporate counsel?

Most general counsel agree that the curriculum at larger law schools — the basic legal courses plus advanced courses in taxation, business planning and the like — provides a sound legal foundation for practice as corporate counsel. But, according to **Lincoln**, this is at best only a foundation. "Even assuming the availability of a wide range of courses relating to corporate practice, the student does not become prepared for a corporate counsel position in law school," he says. Others like **Applegate** and **Goldthwaite**, are concerned that law school courses often

convey an unrealistic picture of the modern American corporation and ignore the enhanced role of corporate counsel. **Applegate** suggests closer contact between law faculty and counsel representing corporations, and **Goldthwaite** would like to see more classroom exploration of the ethical concerns of corporate counsel. Reflecting perhaps on management's concern for controlling legal costs, **Zeller** thinks "Law students would be well advised to have a very sharp course in the economics of the practice of law."

Poor communication skills is another problem which **Coyle** says law schools must address. "We are finding that increasing numbers of young lawyers have distressingly deficient writing skills," he complains. "Although this may reflect inadequacies in our educational system as a whole, law schools are graduating 'lawyers' who cannot communicate clearly and concisely in writing."

These comments from our alumni at the top of the corporate ladder present a challenge to the College. Faced with a challenge, the good get better. Some of the problems voiced are already being addressed by faculty. With the support of its concerned alumni, the College will continue to produce good lawyers and successful corporate counsel.

Find Out What's Happening Corporate Governance Symposium 45 Ohio State Law Journal No. 4

This Symposium issue is based upon a recent Conference at which eminent scholars presented papers which are published together with the proceedings. Topics are broad-ranging and timely: federalism, business judgment rule, internal investigations, and tender offers.

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College's First Openhouse Features Legal Education Tradecraft



Adjunct Professor William E. Knepper comments on students' opening statements at Trial Practice presentation during Openhouse

"Tradecraft." John LeCarre popularized the word in his continuing series of spy novels. But its meaning has expanded to cover what in many professions were once called "tricks of the trade." The new term is appropriate, for it emphasizes careful design, skill in execution, and an ongoing concern with perfection of methods and practices. Legal education is no exception, and more than 200 alumni, students and their families and friends who attended the first College of Law Openhouse had an opportunity to observe what can best be labeled the tradecraft of modern legal education. The Openhouse was held Saturday, October 13, as part of the College's '84 Annual Alumni Return activities.

Alumni had a chance to learn of changes in legal education, including the developing trend toward practice oriented training. Students in Trial Advocacy, taught by **Adjunct Professor William Knepper**, demonstrated their

abilities in presenting opening trial arguments. An excited exchange of views ensued when Professor Knepper and other members of the class analyzed and commented on one potential litigator's ingenious use of a multi-colored, artistically prepared representation of an accident scene.

Traditional crafts of legal-education — the casebook and Socratic method — were exemplified in two first-year courses, which broke from their usual schedules to hold Saturday morning sessions. A lively discussion in the Property course was directed by **Professor Earl Murphy**, while **Professor Howard Fink** led first-year students and observers through some of the intricacies of Civil Procedure.

Meanwhile, throughout the morning in the Faculty Lounge, **Professor Louis Jacobs** explained to visitors the objectives and operation of the College's growing Legal Clinic Program. He was joined by **Professor Harriett Galvin** and



Dorothy B. Sullivan '35 and husband observe Trial Advocacy class

Supervising Attorney **Craig Mayton**, who described the unique and highly regarded Prosecutor's Practicum initiated by the College last year. **Professor Nancy Rogers** rounded out this part of the program and stirred considerable interest with a presentation of her course on mediation as an alternative method of legal dispute resolution. She also exhibited some of the new "hardware" of legal education, showing video tapes of students conducting mediation sessions and discussing the legal and ethical issues involved.

New Director of the Law Library, **Ruth Kessler**, and her staff amazed some alumni with recent advances in legal research techniques. They demonstrated computerized legal research, employing the library's Westlaw and Lexis terminals. Other alumni and a former law journal editor were similarly impressed on visiting the Law Journal office. Current editor-in-chief, **Scott Frankel**, proudly explained that articles can be edited and transmitted to the printers with the journal's new word processing and computer equipment.



Nancy Miller, Assistant Director of the Law Library, demonstrates Westlaw information retrieval



Openhouse visitors enjoy legal clinic presentation



Professor Lawrence Herman raises question at Moot Court presentation. Panel members Professor Sheldon Halpern, Becky Tredway and Susan Quire (L-III) await response



Christie Hill (L-II) emphasizes a point at Moot Court presentation



Jennifer Brown and Andrew McDonough (L-II) contemplate rebuttals



Parents and alumni listen to Moot Court arguments of student advocates

A Festive Occasion

The Openhouse was as festive as it was informative. Jovial groups of alumni, students and their families conversed in the hallways. Some toured the Law Building, reacquainting themselves with classrooms they once occupied or discovering a building that was only a vision during their student days in Page Hall more than twenty years ago. Others perused the class photographs displayed across from the College office, reflecting on how they and their classmates had changed.

A team of second-year honor students demonstrated another familiar feature of the education of future lawyers — moot court advocacy. Interested alumni and parents nearly packed the Law Auditorium to hear the student advocates' legal and oral skills. The

moot court experience was recreated when the students responded to tough questions posed by the judicial panel composed of **Professors Sheldon Halpern and Lawrence Herman** and student members of the Moot Court Governing Board.



Margaretta B. Schuck '39 and husband receive Openhouse hospitality from Dean Meeks and Marcia Egbert (L-III)



William Frank (L-I) (center) introduces his family and friend to the world of law school

Lunch-on-the-Lawn

"Lunch-on-the-lawn" amid the softly falling leaves of a brisk autumn day capped the morning's festivities. While revelers enjoyed hot sandwiches, tossed salad, a delicious green bean dish, and various beverages, they were treated to the songs and dance routines of OSU's Scarlet and Gray Chorus. The leisurely lunch afforded many alumni a chance to visit with one another, renewing friendships and engaging in casual conversation.



Scarlet & Gray dance among the leaves

The excitement and entertainment continued as many alumni and friends crossed the campus to watch OSU battle Illinois. OSU Stadium was "set reverberating with mighty cheers" that spurred on the Buckeyes to a thrilling come-from-behind victory. The College cannot guarantee similar football thrills for future Annual Returns. But the Openhouse was so well received by alumni, friends and students that it will likely become a recurrent event.



Alumni cheer Buckeyes to victory



William Connelly '64 and classmate Theresa Doss catch-up since law school days



"Eyes Right"



'59 Classmates Mary Jo Cusack and Nicholas L. Demos enjoy Lunch-on-the-Lawn



Pat Howard — a College tradition

Classes Hold Reunions

The Saturday night of the Annual Alumni Return weekend, October 13, four classes celebrating reunions gathered at the University Hilton Inn to see and embrace old friends. Following a joint reception, each class met for a private dinner with classmates, spouses and friends. The evening was the conclusion to a successful OSU Return, which for many started with the Friday dinner, the College Openhouse and/or the exciting Saturday football action at the stadium.

1934 With coordinating help of **Carl C. Tucker**, 9 members of the Class of 1934 shared their half-century careers and lives for an evening of celebration. Members present were **Richard Buckus, Henry S. Ballard, Harry Fink, Martin Hanna, Martin Hoeffel, Arnold Levin, Stanley Scholz, Thomas Talbott** and **Carl Tucker**. **Mrs. Robert Murray** and **Mrs. Robert Wills** represented their classmember husbands. **Dean Meeks** presented special certificates commemorating the occasion. Congratulations to all!

1939 **George D. Young**, Circleville, **Eugene J. Mahoney**, Columbus, and **Ihamar D. Weed**, Cincinnati, are to be thanked for bringing together 14 members of their class with spouses for an evening of reminiscence and good time. Special guest was **Frank R. Strong**, Dean Emeritus, from Chapel Hill, N.C., who accepted the invitation from long ago students and long time friends.

1959 **James E. Cullers**, Mt. Vernon, helped to coordinate the quarter century reunion of the Class. 40 class members with their spouses and guests set aside the evening to share professional activities and life adventures since their years at 12th and High.

1964 **William M. Connelly**, Toledo, coordinated the reunion arrangements and correspondence that brought 36 classmates and guests back to OSU. The evening was complete with good times, good stories and good laughs for those on hand for the celebration.



Class of '59: James W. McGuire, R. Clifton "Cliff" Gibbs, George W. Ankney, Jr., and wife Lynn, and John G. Blair



Class of '64 — Thomas Coady, Donald "Rocky" Wheeler, William Bodoh and wife Janet



Seventy years of law: Mell Underwood '39 and George Smith '59



Niki Schwartz '64 — "The lawyer's life is good and fun."



Class of '59: Marshall Cox, Laura and Jack Taggart, John G. Lancione and Peter P. Rosato

1949 The evening of September 8, the Class of 1949 gathered in north Columbus at the Worthington Inn. 32 class members and their spouses turned out on this pleasant evening to celebrate the 35 years since their last days on the campus of OSU. It was an evening lively with conversation and funny stories of penny pinching days at Page Hall.

1979 The youngest reunion class started off the reunion season on September 8 at the Holiday Inn on the Lane in the midst of football revelry. **Michael J. Fusco**, Columbus, coordinator, was pleased that 32 classmates, many with spouses and guests, turned out to share how good life can be after law school. Hopefully, class members will begin a tradition for periodic parties to keep in touch with College friends.



Classmates John G. Morrison and Michael J. Fusco, coordinator of '79 Reunion



James H. McGee '49 with classmate Ohio Supreme Court Justice Robert E. Holmes and wives



Dean W. Wise, John E. Cumming and Paul A. Burson enjoy Class of '49 Reunion



Richard Gantz '49 traveled all the way from Alaska



Class of '79 Reunion brings out many classmates

1969 Always a classy class, Reunion 15 on September 15 was no exception. Through the special efforts of **Edward A. Bacome**, **Jack R. Pigman** and others, a full day's program was in store for reunioning classmates. The day began with a tailgate party complete with tent and all the trimmings and concluded with the gracious home hospitality of **Jo** and **Walter Reckless**. An unseasonable nip left outside tent dining and dancing to live band music for the more hardy. But there was no chill on the fun and good times enjoyed by the 27 participating class members and their spouses and guests.



Class of '69 rallies with pre-game tailgate



From coast-to-coast — the Class of '69 — Lawrence O. Eitzen (CA), David S. Bloomfield (Columbus) and Frank T. Black (FL)



"Catching up" — classmates John E. Erb and Jack P. Pigman '69

1954 Stan B. Schneiderman's efforts drew together 31 members of the Class of 1954 on September 15. The Worthington Inn was the selected site for the evening of enjoyable remembering and reassociations for class members and their spouses. Thirty years had passed quickly and the fun of seeing each other foretells of repeated events.



Gerald E. Schlafman '54 with classmates John M. Adams and Stanley B. Schneiderman, Reunion organizer



30-Year Reunion is celebrated by Class of '54.

(l. to r.) Front Row: W. Reidenbach, C. Hirsch, Judge Whiteside, S. Heid, T. Finneran, R. Menapace, G. Aman, F. Eastman, B. Chupka — Second Row: S. Schneiderman, C. Fox, R. Finneran, F. Apicella, W. Collins, I. Portman, W. Blue, C. Johnston, F. Campbell, D. Trail, J. Adams, M. Lewitt, D. Borrer, J. Marchese — Third Row: G. Schlafman, R. Mullins, R. Kohn, T. Mock, J. Prohaska, J. Jenkins



Nancy Brown '74 with Paula and Charles Kampinski '74

1974 Robert E. Hickey, Jr., was joined by 40 classmates and their spouses and guests for an evening at the Holiday Inn on the Lane. Ten years had passed swiftly and fully for those who had shared occupancy of the law school for three years.

The College thanks all that made possible and participated in this year's reunion program. These are short moments, important to share, and long in memory. Thanks for coming back and staying in touch.



Frederick L. Ransier and Kathleen H. Ransier welcome back '74 classmate Anthony Boone (center) from Chicago

University Guests Enrich College Education Program

"As the World Turns" is not a College of Law soap opera, but it aptly describes the series of informal lectures which regularly break the routine of legal study at Ohio State. Sponsored by faculty and by the International Law Society, the National Lawyers Guild and other student groups, the speakers bring a cosmopolitan experience that enhances classroom study. Some of the speakers who have visited the College this academic year are highlighted below.

First to be welcomed was the **Honorable E.C. Ubaezonu**, Judge of the High Court of Justice, Enugu, Anambra, State of Nigeria. His description of the Nigerian legal system rang many a familiar note for the student audience, for the influence of the English common law and legal system have continued long after colonial ties were broken and statehood established. Students expressed particular interest in the role of the legal system under the present military junta. Justice Ubaezonu stressed the challenge and importance of preserving the independence of the courts, explaining how "sensitive" issues had been addressed by the bar and judicial system.

Justice Ubaezonu holds degrees from Christ the King College of Nigeria and the University of Bristol in England. He was called to the English bar in 1959, has signed the Role of the Queen's Bench and practiced law in Nigeria for 25 years. One of Justice Ubaezonu's six children is studying at Capital University in



Honorable E.C. Ubaezonu in his judicial attire

Columbus. A nephew, Reginald Momah, is currently enrolled as a third-year student in the College of Law.

Harriet T. Pilpel spoke at the College in September on her work on child pornography and several related proposals she was preparing to present to the American Civil Liberties Union. Ms. Pilpel is a graduate of Vassar College and Columbia Law School. She has been an active member of the ACLU and has served as its general counsel and on its National Board of Directors.



Dr. Peter Sarcevic

Dr. Peter Sarcevic, Professor of Law at Rijeka University, Yugoslavia, and Scholar in Residence at the Swiss Institute of Comparative Law in Lausanne, Switzerland, on September 12 shared with students his current work dealing with problems of international debt rescheduling. He traced the growth of the Eurodollar market and explored the causes and consequences of the shift to private bank financing of the public and private credit needs of lesser developed countries. He noted that international debt rescheduling

raises legal issues of sovereign immunity and problems of choice of law. Rescheduling debt due to private creditor bank groups is further complicated by lack of developed standards and common practices. Dr. Sarcevic holds his law degree from Zagreb University and a Ph.D. from Johannes Gutenberg University, Mainz, W. Germany. His comments brought a wider perspective to this important international problem.

On October 1, students were challenged by **Dr. Issa J. Shivji's** assertion that policies of economic developmentalism have not paved the way to self-determination for emerging African countries. Dr. Shivji, an Associate Professor of Law at Dar es Salaam University in Tanzania, discussed his concern that developmentalism has thwarted the achievement of political autonomy due to the external forces imposed by the world marketplace. "After twenty years, there has been no real economic development," he observed. Dr. Shivji predicted, albeit with some uncertainty, the emergence of a new political order for redirecting the process of development in the sub-Sahara countries.



Dr. Issa J. Shivji

Dr. Shivji is spending this academic year doing research on jurisprudence at the University of California at Berkeley under a Fulbright grant.

Dr. Robert Toniatti lectured at the College of Law on October 15 on aspects of Italian constitutional law. Markedly different from American constitutional law, Italian constitutional law includes consideration of such subjects as theory of the state, public administration, and land use planning. Teachers of Italian constitutional law are often more concerned with such matters than they are with studying decisions of the Italian Constitutional Court.



Justice Ubaezonu with Nigerian students at OSU including Reginald Momah (L-III) (r.)

Dr. Toniatti is Assistant Professor of Constitutional Law at the University of Bologna's Faculty of Law, an institution nearly nine centuries old. He is currently working on a five-year project supported by the Italian Atomic Energy Agency on the location of atomic power plants. Dr. Toniatti is meeting with American specialists under the coordination of the United States Department of State.

Continuing on the international road in November was **Marilyn Clement**, Director of the Center for Constitutional Rights in New York, and **Thomas W. Walker**, Professor of Political Science at Ohio University and a specialist on Nicaragua. Ms. Clement spoke about current litigation the Center has undertaken regarding United States military involvement in Central America. She explained that such legal issues as standing and political question doctrines pose obstacles to the litigation.

Professor Walker described for students and faculty his experiences as a member of a group organized by the Latin American Studies Association to monitor the recent presidential election in Nicaragua. While admitting the Nicaraguan election was not flawless, he concluded that "The Nicaraguan election was cleaner and better in all respects than the El Salvadoran election."

Another international perspective came during the February visit of **Major General Indarjit Rikhye**, currently President of the International Peace Academy in New York. General Rikhye commanded the United Nations Emergency Force, a multinational military force that patrolled the Egypt-Israel border following the Suez War of 1956.

General Rikhye outlined the history of the United Nations peacekeeping operations and those of some non-United Nations multinational peacekeeping forces. He illustrated his talk with his own experience with the United Nations in the Gaza Strip, Sinai and the Congo, as well as with the OAS force in the Dominican Republic. He stressed the importance of sovereignty and discussed the necessity of financial support. He also noted particularly the role of legal advisors in peacekeeping operations.



Mary Eyerma (r.) congratulates Elizabeth McKinley (L-I), recipient of an Eyerma Scholarship. This Scholarship is one of 38 endowed scholarship funds established and supported by alumni and friends.



Seminar room renovated for multi-purpose instruction. The renovation was completed with the College's capital funds to which alumni and friends of the College contribute.

Development Fund Moves To Fiscal Year Reporting

The College of Law has shifted to fiscal year reporting of gifts and donors. Alumni and friends of the College have until the end of June to participate in the 1984-85 Annual Fund. With the change, the fall honor roll will list contributors from January 1, 1984, through June 30, 1985. Subsequent annual fund years will run from July through June.

1984 promises to be one of the College's most successful fund years. By the end of December over 1700 alumni and friends had made gifts to the University designated for use by the College of Law. This surpasses the record number of contributors set in 1983.

Most law alumni direct their gifts to the Law Advancement Fund. This fund helps support faculty research and special projects, library acquisitions, and student organizations such as the moot court teams and law journals. The fund also allows the College to continue improving alumni communications and programs.

College alumni will have at least two more opportunities to make gifts before June 30. The College is cooperating with the Office of University Development in designing these opportunities. Responding to them will assure your name will be included in our class honor roll report in the next issue of the *Law Record*. More important, your gift will make it possible for the College to advance toward its goal of unquestioned excellence in legal education.

Interim Highlights

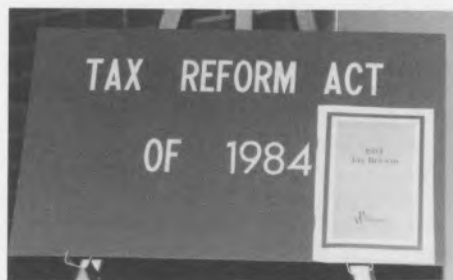
Law Class of '69 Endowed Fund — Last fall members of the class of '69 created this new fund with gifts totalling over \$5,000. Charter contributors look to the fund to encourage other class members to give, especially during reunion years. Initially, income from the fund will be used at the dean's discretion. Kudos to **Edward Bacome, David Bloomfield, Robert Howarth, Richard Huhn, Michael Long, Jack Pigman and Walter Reckless.**

Law Class of '67 Endowed Fund — Started fifteen years ago, this fund was given a new name and a big boost this year. A special appeal to members of the class of '67 netted more than \$2,000 which was added to the fund principal. Thanks to **Buzz Ball, Alan Briggs, Fritz Milligan, John Stine and Paul Valente.**

New Memorial Funds — Gifts from the families and friends of three law students who died tragically during the past year have established three new memorial funds: **The Sue Reid Memorial Fund, The Julie Price Memorial Fund and The George Price Memorial Fund.** Activities are now underway to raise each of the funds to the \$45,000 level necessary for them to become part of the College's permanent endowment fund.

Deans Circle — The Deans Circle continues to grow with 15 new members welcomed so far during the 1984-85 year. Deans Circle membership recognizes donors designating annual gifts of at least \$1,000 to the College of Law.

Alumni and Faculty Serve College's CLE Programs



How do you begin to prepare practicing attorneys and accountants for grappling with what may be the most thorough and complex revision of the federal tax program ever attempted? If you are **Professor Michael D. Rose**, you organize the "Tax Reform Act of 1984 Briefing" and invite interested attorneys and accountants from throughout the state to listen to experts with a wealth of governmental and private practice experience in the area of taxation.

The result was a day-long session on the impact of the federal Tax Reform Act of 1984 for more than 200 conferees. Nine of the ten featured speakers at the July 16th Conference were associated with the College, eight of them alumni.

Providing insight from the perspective of the legislature, **Kenneth J. Kies '77** discussed the background of the new act, the legislative outlook, and the provisions regarding fringe benefits. Kies is Minority Tax Counsel for the Committee on Ways and Means of the U.S. House of Representatives. **Ronald L. Rowland '72**, currently a Partner in the Columbus, Ohio, firm of Vorys, Sater, Seymour & Pease, addressed changes in trade and business deductions and credits as well as the effects on tax exempt bonds.

John Y. Taggart '59 brought his experience as former Attorney-Advisor in the U.S. Treasury Department's

Office of Tax Legislative Counsel and past editor of the prestigious *Tax Law Review* to the conference. Now a Tax Partner in the New York City firm of Windels, Marx, Davies & Ives, Taggart reviewed the extensive impact of the legislation in the area of domestic relations.

Several alumni took a brief respite from their busy private practices in Washington, D.C., to speak at the program. **Allan J. Weiner '73**, a Partner in the firm of Melrod, Redman & Gartlan, discussed the effects on partners, partnerships, and tax shelters. **James C. Warner '74**, a Member of the firm of Lee, Toomey & Kent, briefed listeners on the impact on corporate organizations, including sales, liquidations and reorganizations. Outlining changes in the taxation of interest free loans was **Michael R. Miles '78**, Advisor to Sutherland, Asbill, & Brennan. All three Washington lawyers previously were attorneys with the Interpretative Division of the Office of Chief Counsel of the Internal Revenue Service. Weiner was Assistant Branch Chief of the division during the mid-1970s, and Warner also spent two years with the U.S. Tax Court in Washington.

Provisions relating to taxation of foreign interests were highlighted by **Glen E. Corlett '68**, while **James R. King '74** discussed changes concerning discounts on obligations, taxation of life insurance, and provisions on compliance with the act. Corlett is a Partner in the Cleveland, Ohio, office of Price Waterhouse & Company. King is associated with the firm of Jones, Day, Reavis & Pogue in Columbus.

In addition to introducing the program, Professor Rose spoke about a number of provisions.

Programs Continue for '84-'85

The tax reform briefing was the first of the CLE Programs for the academic year. December 7th, **Real Estate Syndication** was the conference topic at the Ohio Union. In January the College, together with the Office of Continuing Education, sponsored at the Fawcett Center, **Creative Pension Strategies '85**. This program when first offered attracted 200 participants. Interest this year drew 270 and success is attributed to the organizing efforts of **Elbert R. Nester '68**. **Charles J. Tyburski '64** served as a member of the planning committee for the seminar. The next program on April 8th was **Farm Business and Estate Planning** sponsored in cooperation with the College of Agriculture.

Dispute Resolution April 18th - 19th

The College of Law is the host co-sponsor of this major conference on dispute resolution techniques for a wide range of business, employment, legal, domestic and public/community disputes.

The program will begin Thursday evening with dinner and keynote address by **Larry Ray**, ABA Special Committee on Dispute Resolution. The Friday program will begin at 9:00 a.m.

Fees after April 12th are \$75.00. Registration and information are available from the College of Law by calling 614-422-0087/2631.

Estate Planning 1985 May 17, 1985

The College of Law in cooperation with Tax Management Inc., a subsidiary of the Bureau of National Affairs, Inc., will bring to the campus experienced practitioners and nationally recognized experts to discuss various aspects of estate planning for corporate executives, professionals and owners of closely held businesses. Techniques concerning charitable gifts and trusts will be considered along with tax planning in connection with post-death distributions. **Professor Michael D. Rose** is coordinating the program.

The one-day program will be held at Stouffer's Dublin Inn. Registration is \$125. Information may be obtained by writing to the College of Law, 1659 N. High St., Columbus, Ohio 43210.



Speakers at Tax Reform Act CLE Program: (front l.-r.) Kenneth J. Kies '77, Michael R. Miles '78, Ronald L. Rowland '72, Allan J. Weiner '73, John Y. "Jack" Taggart '59, Thomas A. McSweeney and Glen E. Corlett '68. Professor Michael D. Rose conference organizer (back l.) James R. King '74 and James C. Warner '74 also spoke at the conference.

Are There Too Many Lawyers?

Americans have always worried about what they call 'the problem of the lawyer,' **Professor Earl Finbar Murphy** reminded participants at the National Council Roundtable last May. Currently, the rapidly escalating numbers of lawyers is the problem, and members of the National Council convened to share perspectives on its causes, effects, and implications for legal education and the College of Law.

The dramatic increase in the number of lawyers and its effect on the legal profession were documented in a 1983



John Weaner moderated National Council Roundtable

report prepared for the American Bar Foundation ("The Legal Profession in the 1980's: The Changing Profile of the Legal Profession"). The report characterizes the increase as "exponential" and cites confirming figures. Between 1960 and 1980, the number of lawyers in the United States doubled from 250 thousand to just over half a million. By mid-1983, it had climbed to 622 thousand. The report projects over a million practicing lawyers ten years from now.

Although the increasing number of lawyers is itself a concern, phenomena associated with the rise point to particular problems. According to the ABF report, the more dramatic figures show that the legal profession is growing more rapidly than the general population. The number of persons per lawyer declined from one for every 630 persons in 1960 to one for every 375 in 1983. At current growth rates, there will be one lawyer for every 250 persons by the end of the century.

Just what this declining lawyer/population ratio means is far from clear. Some observers speculate about a "glut" of lawyers and predict a job crunch for future law graduates. Others read it as reflecting, in part, the extent to which women and minorities have gained wider access to the profession. The ABF report confirms the increase of women, from 3% in the early '70s to 14% today. This figure will continue to rise as law schools report 35% to 40% of today's enrollments are women. Although the ABF report notes the lack of any systematic data on minorities in the profession, Professor Murphy remarked on "the substantial disappearance of a lot of the prejudices in the profession that used to exist even thirty years ago."

Still other observers see in the declining lawyer/population ratio a sign that now as never before Americans have more access to the legal system and legal representation. But questions about the quality and distribution of legal services remain. As the number of lawyers has been pushed up by the influx of new law graduates, the median age of the practicing bar has dropped. It was 46 in 1970. Today it has dropped to close to 38. More important, substantially more than 25% of the practicing lawyers have been admitted to the bar in the last ten years. The relative inexperience of this ever younger class of practicing lawyers, especially sole practitioners, has raised serious questions about their preparations for assuming sole professional responsibility for their clients. According to Professor Murphy, a specialist in legal ethics who recently had visited the College reported "one of the eastern states was running into lots of disciplinary proceedings against sole practitioners," not for "criminally conceived acts," but because they are simply unaware that some of their activities were illegal.

The ABF figures also suggest that the continuing concentration of lawyers in large metropolitan areas may be producing a less than equitable distribution of legal services. According to the report, lawyers are increasingly becoming concentrated within the central city limits of major metropolitan areas. 92 percent of the lawyers in firms with more than ten lawyers are located in center city areas, and only 2 percent are outside metropolitan areas. Even sole practitioners are urban bound, with 57 percent located inside the central city limits of the big cities and 12 percent outside metropolitan areas.

Why Are There So Many Lawyers?

Changes in legal institutions, societal attitudes about law and careers, and the role of universities and law schools themselves are credited with causing the rise in lawyer numbers.



Earl F. Murphy either."

The popular view is that lawyers have increased as more laws have been enacted. Professor Murphy discounted this: "There's been an explosion in statutory lawmaking in England and continental Europe and Japan since World War II. There's not been an explosion in the number of lawyers in any of these places. And if you look at the explosion in law in the United States in the three decades since 1933, we didn't have an explosion in the number of lawyers

A more likely explanation, Murphy said, is that the number of lawyers has grown because changing legal institutions have increased opportunities for the exercise of legal skills. "First, there was an extension of hearing rights to administrative practices that previously had been dealt with in a summary fashion. There has also been a change in the definition of standing that permits actions by what are really *de facto* private attorneys general," he said. He also pointed to changes that have made financing litigation easier: the creation of the class action and public financing of private litigation through public defenders, federal legal services for the poor and lawyers sustained by charitable gifts to private organizations.

Murphy placed some of the blame on the extended discovery process which has enabled lawyers to make cases. "Discovery is the tool, of the underdog," panel member **Professor Morgan Shipman** agreed. "It allows me to educate myself and to build up a case."

Attitudes prevalent in American society have prompted a demand for legal services. "There is an emphasis among the general public upon rights and a refusal to accept anything less than the fullest recognition of rights," Professor Murphy asserted. Meanwhile, "the concept of equality has been extended to greater and greater numbers in the population, so that we are now prepared to accept a condition of equal risks at law. We are insisting upon a prior or concurrent affirmative equality of strengths of persons. And we usually expect this strength to be publicly provided."

Changes and Challenges

Americans also generally believe "that all problems are solvable at law, all wrongs rightable, all hurts mendable, all losses salvageable," Murphy continued. While Murphy found the optimism underlying this belief "not entirely unjustifiable," Professor Shipman focused on a different aspect of the American tendency to turn to the courts. "There's certain people you can't talk to until you 'lay a complaint on them.' Unfortunately, America's a terribly individualistic, selfish society. And for a lot of people, that is the only way that you can do business."

Changing attitudes about careers may also have contributed indirectly to the explosion of lawyer numbers. National Council member, **Charles Tyburski** observed that during the 1950s interest in legal education declined as the best college graduates, driven by the "Sputnik allure," pursued graduate programs in engineering. "Then with the layoff of engineers at Lockheed," he noted, "fathers were telling their children,

'Don't make the mistake I made, son or daughter. Get a profession!' And there were people who hadn't prepared for professional or graduate school. So they went to the law schools."

Additional affluence, coupled with the split of American society into two cultures—only one of them stressing the importance of scientific and quantitative skills—has turned those seeking a professional career toward law, emphasized Professor Shipman.



Morgan E. Shipman

"More and more people have money to go beyond undergraduate school. And a lot of people are totally turned off by anything with numbers or anything scientific. There's no way they would go to medical school or dental school or vet school, and so they come to law school."

But, added Shipman, the biggest push for legal education has come from women, who now make up nearly forty percent of law school classes. "Women in large numbers have come to law school. Why? It's very simple. Women want to choose a professional school. You look at the demographics and the undergraduate education. Many of them do not have the science and math courses to go to medical school or business school. Law school is a logical choice and a fairly receptive place for women."

A Push to Enroll More Law Students

Universities and law schools are also partly responsible for the surge in lawyer numbers. As Professor Shipman noted, "This huge push (for legal education) was very much accommodated by the law schools in the '60s and '70s with the feeling that the law would grow indefinitely." Professor Murphy backed up this observation. "Beginning in the '70s law schools opened at a rather rapid rate and enrollments in existing schools soared."

Universities had a variety of motives for creating new law schools and increasing enrollments, according to Charles Tyburski. He recalled being told of "the presidents of universities saying 'I can make money in my law school and subsidize losses I take in the chemistry school where I have to have expensive equipment.' So they were telling the deans to fill the seats, we need the revenue." Tyburski also noted that university presidents relied on Bureau of Labor statistics predicting a market for twenty thousand new lawyers a year, promoted the general value of legal education and saw it as

"a very good way to bring minority people into the mainstream of American life."

Significantly, the College did not participate in this growth of law schools. Professor Murphy pointed out that while other law schools in the state pushed their enrollments up over a thousand, "we held our enrollment down at Ohio State. We went from 500 to about 700, and we're down now to about 635. So we have not really responded to the enormous pressure. We believe it was the wrong thing to do."

A "Fierce" Competition?

Almost certainly the number of lawyers will continue to grow, although perhaps not at the present rate. As the "fabulous machine for producing more lawyers" runs on, Professor Murphy said, "we can expect to see declining prosperity and sharper income distinctions within the profession and a decrease in the number of traditional law jobs." Indeed, some believe these factors are already at work, moving lawyers and law students into a period of intense competition.

The value of this emerging competitiveness is questionable. National Council member **Thomas Cavendish** wondered



Thomas E. Cavendish

"whether this fierce competition has had a bad effect on how people practice law. Things happen that people tell me about I just can't believe. I'm wondering if the bar association anymore is able to keep the cohesiveness of the practice together. As a matter of fact, I see ethical standards that are just not the same as I think they were twenty years ago. And maybe it's because we have too many people who aren't making a good living."

These sentiments were echoed by **Stuart Summit**, also a National Council member: "Are we going to turn into a vicious bunch, chewing over the remnants on the table, having once feasted well and remembering and trying to get that back? Is the way we service our clients and work with each other going to change?"

The competitive spirit has filtered downward to law students. **Dean Jack Henderson** and Assistant Placement Director **Michael Gregory** reported students worry more about the job market. A preliminary report released by the National Association for Law Placement in January 1984 does not confirm a tightening job market for law school graduates, but one may in the offing. According to Dean Henderson, law schools were expected to turn out 37 thousand graduates in 1984 for a projected 17 thousand new traditional law jobs.

"I don't believe that there's in the works any explosion in the use of lawyers that is going to produce jobs for all these people," Professor Shipman added, "especially in light of the fact that the big growth is not mentioned in the statistics, and that's the use of the paralegal."



Stuart Summit

Student perceptions of the job market may be more important than the reality. Students clearly believe the market is tightening. "The market is overrun from our point of view," said third-year student **Karen Timko**. This perception has bred an intense and possibly deceptive competition among law students.

A "stigma attaches if you don't get a job with one of the blue chip firms in town," complained student **Yvette McGee**. "There's a snobbery that develops if you're not working for the big blue chip firms. If you're not making three thousand dollars a month this summer, then somehow you haven't arrived. There's that competition of 'we've got to be the top, we've got to get this big blue chip law firm job.' I have seen friendships dissolve because some girls couldn't talk to other girls because they didn't make law journal. It becomes really petty sometimes, and I think it's escalated more now because everybody wants those top positions."

Recognizing that the top law firms will offer summer clerkships only to those in the top ten percent of their class leads law students to see even their first-year grades as extremely important, said **Brent Rosenthal**, also a third-year student. With only so much room at the top, he continued, whatever idealism students bring with them to law school "quickly gives way to cynicism when they see there's two hundred or so other people equally competitive, equally determined to finish in the top five percent." Rosenthal believes this cynicism stays with many students throughout their law school careers, coloring nearly every aspect of the experience. Convinced that they cannot compete despite their intelligence, they yield to the pressure, their grades slide downhill, and they carry their frustration and cynicism into job interviews almost ensuring they will be passed over by the big firms. In the end, Rosenthal said, what might have been a healthy spirit of competition degrades into "a hostility toward the rest of the class."

Competition for the grades that lead to the top law jobs may interfere with legal education. "I realize that there is competition out in the marketplace," said Yvette McGee. "But law school is hard enough without having some comradery." Students are not alone in deploring this negative effect of competition. "It is a mistake, it seems to me," remarked former **Dean Ivan Rutledge**, "for us professors to get so tough and rigorous that students think of themselves in competition with each other when they're engaged in the process of learning. That's a cooperative enterprise."

Invidious or not, there is little chance the current of competition within the profession and among law students will dissipate of its own accord. "It's unfortunate that this spirit of competition is here," Professor Shipman sympathized. "But that's the way it is out in the real world, at the bar downtown. It's not going to go away."

Pressures for Change

In the past, Americans have responded to "the problem of the lawyer" in different ways. At the extremes, they have tried closing the door to the profession and throwing it wide open. In the 17th century, some of the colonies tried banning the practice of law and turned to town meetings and church congregations as forums for resolving disputes, said Professor Murphy. It didn't work, he added. During the 19th century, Jacksonian democrats tried to solve the problem by making everybody a lawyer and creating courts of conciliation, Murphy continued. That did not work either.



Frank Bazler

There is little reason to think such extreme measures would work today. Still, the rising number of lawyers, and the ensuing competition and concern about the quality of legal services, are creating pressures for change. An important question is how the College will respond to those pressures.

A free market approach is the best way to deal with the increasing number of lawyers, according to National Council member **Frank Bazler**. "The law of supply and demand is going to take people and either keep them out of the practice of law or move them into affiliated fields where they serve well," he predicted.

But the impact of a free market approach applied across the board will be felt by law schools as well as lawyers, and some questioned whether such an approach is appropriate for the College, a state supported institution which many regard as the best in the state. Professor Shipman saw no problem with letting the market run its course as far as private law schools are concerned. However, he said, "with a state school I think it's a little bit more complicated. The state has an interest in this because a lot of money is going into it. A lot of poor kids come here rather than go to other places because private law school tuitions are quite high. And we're very lucky here to not only have reasonable tuition, but the flagship law school of the state."

The free market approach would also create problems for the College, **Dean James Meeks** explained. An especially vexing problem is "which law schools are going to cease to exist or fade back. Now, I sit here as the dean of what I think most people would concede is the best law school in the state. Do we back off and deprive people of what I think is the best legal education available in the state? I have some hesitancy about us going out of business, obviously, or phasing back significantly."



Dean James E. Meeks

Drop in Applicants Produces New Challenges

A phase back in admissions to the College, Dean Meeks said, would raise another problem, the question of "who decides who gets the opportunity" to become a lawyer. Trying to make that decision would put a great deal of pressure on the admissions process, he said. Meeks favored admitting

students, educating them, and then letting the market decide whether and where they will practice.

Maintaining current enrollment figures raises other problems for the College. The primary concern of potential applicants to the College is the marketplace for lawyers, said Dean Henderson. The question raised is the responsibility of the College to inform them of the likelihood they will get a job. Professor Shipman advocated requiring law schools to give "full



Dean Jack Henderson

disclosure . . . as to what the job possibilities are." To some extent the College already does that. "We are very candid," explained Dean Henderson. "We tell applicants to this law school, 'you're going to have to work hard. It is a tight job market and we don't guarantee you anything.'"

Intensified recruitment efforts will also be necessary to maintain enrollment. According to Dean Henderson, this means working more closely with undergraduate pre-law advisors, who are much more sophisticated now. It may also entail shifting some scholarship resources away from need based awards and to those based on merit. Most important, it may spell an increased involvement of alumni. "I believe it's necessary for us to know more about our applicant pool," Dean Henderson said, "perhaps to focus our recruiting efforts in a different way and also to work with those of you that are alumni to help us attract those young people to us."

Gateway to the Job Market

Competition among students for the real or perceived declining number of jobs with blue chip law firms pressures also for changes in placement services. The College's placement office has increased the number and variety of on campus job interviews, according to Michael Gregory.

Merely increasing the number of on campus interviews may not be enough, however. As Dean Henderson noted, more and more of the firms which interview on campus are becoming highly selective, seriously considering only students in the top fifteen percent of the class or with law journal experience. Consequently, the fall interview process may hold little promise for even the good student in the middle third of the class. Addressing the needs of those students who, because of their class rank, are not immediately flooded with offers is important, advised National Council member **Betsey Case**. "I think that's a challenge for those who have an interest in the law school."

Students would like to see more frankness on the part of interviewing firms. Explicit statement of the credentials which qualify an applicant for employment consideration, they believe, would help decrease student frustration and cynicism. Yvette McGee objected to open interviews which students interpret as implying they will be given equal consideration based on whatever they have to offer a firm. The consensus among students, she said, "is that we would rather you tell us what you're going to be looking for. If you're only going to consider the top twenty percent of the class, then tell us. Don't waste our time."

For those who do not get jobs through the fall interview process, the placement office may have to develop new ways of getting their credentials before prospective employers, advised Dean Henderson. "Moves in this direction have already been made," according to Karen Timko. However, she also noted that many students who did not rely on fall interviews and launched their own job search found the process expensive, time consuming and an interference with their studies.

Changing Student Perceptions

Perhaps the biggest challenges in the area of placement are educating students about the changing job market and changing students' career attitudes. "Students need to know that most future legal job opportunities will be in areas that traditionally do not use on campus recruiting," said Betsey Case. They also need to know that there is dramatically more mobility in the profession today. "That means that new and

different employment opportunities will open up at different points in one's career. A person graduating from Ohio State who isn't hired by a big law firm or who doesn't get the job that they want out of law school is not denied permanently in their career," said **John Lahey**, a member of the National Council. "That's something our students need to understand."

As the ABF figures confirm, the need for lawyers is still unmet in rural areas and small towns. But Professor Shipman remarked on the difficulty of directing students into those job markets. According to Betsey Case, one problem is that at present there is no organized setting for bringing together law students and small, non-metropolitan firms or sole practitioners who might be looking for associates. "It's not an easy problems to address," she said, "because a need doesn't arise every year."

No less a challenge will be changing students' perceptions about the values of positions with large, metropolitan law firms. "We need to help students get rid of the stigma that if you don't enter traditional practice then you're a failure, that things are kind of lost for you," said Dean Henderson. Michael Gregory agreed: "We have to dispel a myth that going to work for a corporation is bad, going to work for government service is bad. It sometimes becomes very difficult to do." Nonetheless, both Henderson and Gregory believe the College has a responsibility to help students feel they can be successful however they eventually employ their legal talents.



Betsey Brewster Case

How does legal education respond?

Will it change in response to the exponential growth of lawyers? "The answer is yes, it already has," Professor Murphy stated. The harder question is how legal education and the College should respond. The answers to that question seem to depend on what are viewed as the problems created by the increase.

Some, like Professors Murphy and Shipman, predict legal education will become more practice oriented. Shipman thinks a swing to a medical school model, which is "highly practical" and emphasizes clinical training, is especially appropriate in light of the large numbers of graduates going into solo practice. "It's a very hard thing to go out and to set up a solo practice," he said, "and I doubt if any of the law schools can turn their back on it any longer. The Ohio State Bar Association is not. Its programs are now very sole practitioner oriented, and for good reason."

Cautioning against a casual approach to solo practice, Shipman noted that sole practitioners can no longer rely on referring out legal problems. "If you start doing that, your whole practice goes," he said. Corporate tax, business planning, and bankruptcy are among the practical courses Shipman said he recommends to students bound for solo practice.



William K. Thomas

Students need to appreciate that practicing law demands as much work as practicing internal medicine, Shipman added. "If they don't want to give it the sixty or seventy hours a week, they should roll on to something else." Students need also to realize that practicing law is far from "Perry Masonry" and that trials are won by research and preparation. To teach this, Shipman said, means shifting "at least the third year of legal education towards the medical school" model with its clinical orientation. The College "already is quite strong in that area," he noted. "Someone who wants a very practical third year at this law school can, by signing up at the clinic, get an extremely large amount of writing and practice."

Judge William K. Thomas suggested that bringing sole practitioners to the College to tell students "just what the facts of life are" could be beneficial, especially for those students who do not get job offers from the large law firms. It might weed out students who really do not want to be lawyers. But, he explained, "it might also raise the ego of those who see that if you really apply yourself and you've got the initiative and the guts and are willing to stick it out perhaps you can survive in that field."

Shifting toward a more practice oriented curriculum may produce a tendency to "jettison the luxuries," warned Professor Murphy. "I have to recognize that if we get thirty students in world legal history this year, that's very good. Yet, at the same time, we have students in other courses that are bar related where if the instructor didn't cut it off at seventy-five, the instructor would have a hundred and fifty students."

Is legal history really just a luxury for contemporary lawyers? Not according to Dean Meeks, who noted the College has a responsibility to encourage students to think of themselves as entering a learned profession and to "treat each other kindly and with respect and with dignity and with trust." To respond to the cynicism and hostility developing among law students the College will have "to do a better job of acquainting students with the traditions of the law, the history of the law, the legal system in its historical setting."

The turn towards a more practical legal education might be seen as simply responding to the demands of the marketplace. "Are we taking any steps at all to take advantage of the (lawyer) glut to move people to where they're needed?" questioned Stuart Summit, hinting that more affirmative steps may be in order. "Shouldn't we be putting some time into redirecting people? Can we really, as a profession, rely on the free market, which could be six, eight years out of sync?"

Combining the J.D. with other degrees



Redirecting students to new and different careers may call for skills they are not likely to acquire during their three years in law school. Does this mean the law school curriculum must be radically changed? Not necessarily, according to Professor Shipman: "A lot of our students really don't, early enough in their career, look at things like graduate law degrees, MBA degrees. I don't know why, with an excellent business school right across the street." He added that graduates from the

College have done well in graduate law schools across the country. "People from this school do awfully well in the NYU tax program. If you do well in that program, you can increase your opportunities throughout your professional life. Yet getting students to consider that kind of thing is just like pulling teeth."

While curriculum changes aimed at producing "some marvelous new animal that would be a first rate economist and first rate lawyer" generally produce "third rate people in each discipline," Shipman said, law schools should make greater efforts to tie in with allied professions. "If the law schools do very little—we do quite a bit here—a lot of students do less. Students don't like to sit back and think, 'I may have to use this (the J.D.) with an MBA.' And I guess it's there that I become nervous, because I think a lot of people may have missed an opportunity."

How exactly should the College respond to the problems created by the ever increasing number of lawyers? "My view is that the institution ought to do precisely what it has been doing, that it's doing it very well," said John Lahey. "What the institution owes the state and the people is to be the best in the state and to continue to improve."

Future Goals

Those are well spoken words about the College, the flagship law school in the state. But they set two goals for the College as it wrestles with the myriad problems associated with the explosive growth of lawyer numbers: to stay the best and to become even better. With its interested and supportive alumni, its forward looking administration, and its concerned and highly competent faculty, the College is well on its way to achieving those goals. The students, the legal profession, and the people it serves will reap the benefits.

This Roundtable reports an ongoing dialogue at the College and in legal education as the future is drawn into today's planning decisions. The comments are shared with our readers to stimulate further thought on these central concerns of the profession.

Admissions and Recruitment

Change Poses Challenges for Admissions

In the face of a nationwide average 13% decline in applications and a smaller 3% decline in enrollments, law schools across the country are increasing and revamping their recruitment efforts. The College has launched an intensified recruitment campaign with a unique personal touch aimed at encouraging the best qualified applicants to enroll at OSU.

Reasons for the decline in law school applications are unclear. What is clear is that it is "following a national pattern in all of our graduate professional schools," **David Vernon** told a faculty seminar at the College last September. Vernon, Professor of law and former dean of the law school at the University of Iowa, was previewing a preliminary report on application trends he coauthored for the Association of American Law Schools and released at its January meeting. Four years ago, he prepared a similar report which predicted the present decline.

Vernon's most recent report confirmed his predictions and concluded that there is no certainty about "why the law school applicant pool dropped when it did or as much as it did." The report does speculate about the causes of the downturn. It may be due in part to undergraduates shifting their attention to vocational education and technical degrees. The rising cost of legal education may also be influencing some graduates to go directly into the job market, which has recently improved due to generally better economic conditions. Finally, some potential law school applicants may be deterred by their perception of an oversupply of lawyers. Most likely, the report concludes, some combination of these factors and others have merged to produce the decline.

For a while, applications at the College appeared to be following the national trend. Although the College did not share in the sharp drop experienced by many law schools in 1983, applications for the 1984 entering class were down 14% from a year earlier, reported **Associate Dean Jack Henderson**, who directs the College's admissions program. Recent figures, however, indicate the College's application rate is holding steady if not turning upward.



Dean Jack Henderson, Professor Albert Clovis and Dean Peter Gerhart joined by alumni at reception for College applicants. The reception was held in the office of Baker & Hostetler.

More of a concern than the mere number of applicants is the quality of the applicant pool. Nationally, Vernon's preliminary report points out, there is a general downward shift. Henderson noted that with 200-300 complete applications for the 1985 class on file, there was about a 10% decline in the number of applicants with top credentials. Although he said the College is still turning away applicants who would do well at the school, he added, "We want to do everything we can to get a higher percentage of the top group to enroll."



Guest applicants enjoy learning about the College and the practice of law

Several features have been added to the College's recruitment program to attract strong applicants. For the first time, the College is awarding modest merit scholarships to admitted applicants with outstanding pre-law credentials. Invitations are also being extended to all admitted applicants to visit the College during the spring, Henderson said. "We're in the people business," Henderson explained. "We owe it to people who express an interest to respond in kind."

Alumni Contribute Personal Touch

Another personal touch to the enriched recruitment program were four receptions for strongly credentialed applicants held in cities around the state in late December and early January. The receptions brought between 50-60 of the strongest applicants face-to-face with about thirty alumni, students, faculty and administrators of the College. In an informal atmosphere, the applicants were able to get good impressions of the College and the study and practice of law. Most important, according to Henderson, the receptions are "a way that alumni can help" with recruitment and admissions.

Alumni and their respective law firms contributed greatly to the receptions. Kicking off the series was a Toledo reception organized by **James E. Kline '66** and **Marc Gertner '57**. The Toledo firm of Shumaker, Loop & Kendrick hosted the affair. **George Hairston '68** and **Alec Wightman '75** organized a Columbus reception in the offices of Baker & Hostetler overlooking the city from the 28th floor of the new Galbraith Building. Another reception hosted by Baker & Hostetler, which gave applicants not only a clear view of the College but also of the sun sparkled waters of Lake Erie, was organized by Cleveland alumnus **James E. Chapman '54**. **John G. Slauson**, a 1966 graduate of the College now a partner at Dinsmore, Shohl, Coates & Deupree, arranged a luncheon at Cincinnati's University Club for applicants from the Queen City area. The College is grateful not only to those who organized the receptions but also to the many alumni who attended them.

Running the Hurdles to a Career: Placement Focuses on Career Development

Unlike the obstacles in the 100 meter track event, career hurdles come at different times for every law graduate. For some the big hurdle is the first law job or making partner. For others it is a career shift three, five or even ten years down the line. Law career hurdles also differ in height and form. For some graduates the hurdles may be class rank, age, sex, or even physical impairment.

The reason for such variation, of course, is that no two legal careers are the same, just as no two law graduates are alike. So, too, there is no one track from law school to the profession. Helping law students and alumni realistically to appraise their individual career hurdles, to leap them, and to design the course of their own career is the emerging role of the College's Placement Office.

Placement Director Michael Gregory keeps abreast of developing career trends and helps turn them into opportunities for graduates from the College. He notes that increasing numbers are going directly from law school to corporate legal departments, to more diverse positions in the state and federal governments, and with employers outside Ohio as the College's reputation becomes more widespread. These are the significant facts which lie behind the statistics showing that more than 90 per cent of the College's graduates are employed within six months of getting their degrees, slightly above the national average.

Gregory believes such statistics do not accurately portray the nature and quality of the services offered by the Placement Office. With the uniqueness of each graduate and the diversity of career paths, a better picture is drawn from the stories of individuals who have successfully cleared some of the higher hurdles of class rank, sex, race and/or age.

Consider the class of 1982. One graduate who finished in the middle of his class took his degree "on the road," in Gregory's words, and began a career as an associate with a nationally prominent Houston, Texas, firm. Another headed even farther west to California where he joined a Costa Mesa firm. He so impressed the firm's partners that they sent him back to the campus last fall to recruit other OSU graduates. An older female graduate who left a successful career for law began her new profession with the Ohio Legislative Commission.

Or consider the class of 1983. A black graduate entered a promising management career in employee relations with an international manufacturing company. Undeterred by uneventful on-campus interviews, another went to work for the Ohio Bureau of Worker's Compensation. Eighteen months later, with strong recommendations, he was offered an associate's position with a major Cincinnati law firm. Another classmate turned his hearing and speech impairment into a challenge. Finding law firms unreceptive, he became associate general counsel in a Columbus based corporation with nationwide real estate development and construction operations. His optimism and industry have paid off well.

These are but a few recent graduates of the College who have transcended hurdles to legal careers. There are many others. To what to attribute these successes? Gregory credits the graduates themselves. "They are persistent," he says of those who have turned obstacles into challenges or decided to risk pursuing nontraditional

career paths. Gregory is also fond of telling all prospective job candidates, especially those anxious over ranking somewhere below the top third of their class, that they are already successes. "You've succeeded in getting a sound, rigorous legal education," he reminds them, "that's one of your most valuable assets."

No doubt Gregory is right. Graduates of OSU's College of Law hold degrees from the flagship law school in the state. But the placement office, with its emphasis on career awareness, planning and development, deserves credit, too. Not content with increasing the number and variety of on campus job interviews, Gregory has designed a growing program of "career workshops." Some focus on the variety of career opportunities, with experienced practitioners describing how they have made their legal education work for them. Other workshops deal with the practical aspects of getting started on a career path: how to conduct an effective job search, design a resume, handle a job interview.

Alumni Contribute Support

College alumni are a major force to the continuing success of students getting their careers underway. They return to the campus to recruit other graduates for their employers and they form the backbone of the placement office's career workshops. With such dedicated alumni, a faculty which encourages students to give their best, and a forward looking placement office, OSU College of Law graduates will continue to enjoy success in the career marketplace. To paraphrase a famous football coach, when the competition gets stiff, the best get better.



At a placement seminar, Sylvia S. Neff '84 shared how with diligence and sustaining confidence she moved from a part-time position in the Ohio Governor's office to a full-time position with the Franklin County Prosecutor. Placement Director Michael Gregory (l.) listens to John R. Balch '84 (r.) tell of his recent career development and association with Comed Management, Inc.



William A. Leuby III '83, Associate General Counsel, Cardinal Industries, offers encouragement to students



Michael R. Allison '82, Staff Attorney at BancOhio, shares experience

Faculty Profile

P. John Kozyris, Professor of Law

Under the steel gray skies of an Ohio afternoon, a lone figure runs steadily along the path toward OSU's Mirror Lake. Without breaking stride, he nods recognition to a former student ambling toward the law school.

Running is just part of our jogger's cultural heritage. So are the love of ideas and knowledge, and an insistence that they be tied to the realities of the world. So also are interests of Aristotelian breadth, a Zorban zest for life, a wit worthy of Socrates, and a striving for the ultimate in law and democracy.

None but a native of Greece could so naturally encompass such a variety of traits. None but a P. John Kozyris could bring such a rich heritage to our College of Law.

Professor Kozyris joined the faculty of the College of Law in 1969 after becoming a member of the New York bar and practicing nine years in New York and Paris. Students at the College have benefited from the diversity of his professional interests and experiences.

Over the past fifteen years he has taught courses on corporate law and finance, conflicts of law, international organizations and transactions, jurisprudence, law of the mass media and the legal aspects of totalitarian governments. Students have profited, too, from his wide ranging intellect and from mini lectures in law spiced with poignant, often humorous, references to ancient Greek philosophers and classical and contemporary literature. Students have enjoyed his teaching which is both theoretical and practical. Frequently copies of corporation annual statements or proxy requests are circulated to his Business Association students. Copies of full page tender offer announcements clipped from the *Wall Street Journal* are often taped to the classroom door for his students' enlightenment.

Professor Kozyris' pedagogical talents have been recognized beyond the campus. Since coming to the College, he has been a visiting faculty member at law schools at Duke University, the University of Texas, the University of Hawaii and Thessaloniki University in Greece. He has also taught in the Paris Summer Program of the University of San Diego School of Law, the Athens

and Rome Summer Programs of Temple University School of Law and the Thessaloniki Summer Program of Tulane University School of Law.

Also recognized are his scholarship and contributions to the literature of the law. He is on the Board of Editors of the *American Journal of Comparative Law* and a member of the American Society of International Law. Most of Professor Kozyris' publications have been in the areas of corporate law and conflicts of law, and he has participated in various programs on these topics. His scholarship also includes work on



communications law, and he is the co-editor and a contributor to a forthcoming introductory book on contemporary Greek law.

In addition to teaching and research, he is the President-Elect of the league of Ohio Law Schools. He served for many years in the University Senate. He has been a valuable resource and supporter of the International Law Society, and presently he is the coach of the College's International Moot Court team.

Professor Kozyris views the study of law and law teaching as unique. Law faculty, he says, must "study and teach the 'law' which is out there." They cannot do this by secluding themselves in libraries, he adds. "The most creative function of the law teacher is to make law, not merely to discuss and explicate it; to deal with concrete instances of justice rather than only to analyze them. The mission of law teachers is to train students to practice a profession and not merely to contemplate notions of justice."

For Kozyris, the ideal law teacher "is more than just a person who keeps doing graduate and post graduate work." Paradoxical words perhaps from a man who holds four law degrees: a Diploma in Law from Thessaloniki (1954), a Master of Comparative Law from the University of Chicago (1955), a J.D. from Cornell (1960), and a J.S.D. from the University of Pennsylvania, which was conferred in May of 1984.

Professor Kozyris' life and education span two continents and cultures. Summer travels to Greece keep him in touch with family and reinforce his

world perspective. In particular, they keep him abreast of developments in continental European law and legal education, and maintain his association with distinguished Greek legal scholars. Some of these associates have been visitors to our College in recent years as reported in the last issue of the *Law Record*.

When social philosopher and critic Herbert Marcuse complained in the 1960s of modern man's tendency to become one dimensional, he could not have met the multi-dimensional Professor Kozyris. The many facets of the man were evident in the wide range of topics in our interview with him.

What brought you to the United States?

When I graduated from law school in Greece my plan was to go to France for my doctorate and start an academic career. My father had a law practice and he was waiting for me to return. But then there was a Fulbright contest, and I decided to take the exam. I was chosen to come to the U.S. for a year to study on the Fulbright, an offer you cannot refuse. I went to the University of Chicago Law School. I took my Masters there and shortly thereafter I went to Cornell where I worked for a while as a research assistant in their international law program. I then decided I wanted to stay in this country. So I enrolled in and completed Cornell's J.D. program.

You spent some time in practice before you turned to teaching?

With Cahill, Gordon, Reindell and Ohl. I went to their Paris office for a while and also worked in New York. In New York I did everything: corporate law, litigation, international business. In Paris we did mostly common market law.



Professor Kozyris responds to students' questions in *Conflicts of Law*

What drew you into teaching?

A number of reasons. First, I had been brainwashed into thinking that the academic lawyer is the apogee of a legal career. In part, it is the European tradition. Also in private practice you always have to take one side. I enjoy not being shackled by the necessity of taking sides. When I view a legal problem, I like to look at all sides and try to come up with the best answer or all possible answers rather than be required to work on a biased dimension of the problem. I also wanted to write, to publish. In a practice, you don't have much chance to do that.

How does European legal education compare with what we do in this country?

In Europe the law school is more academic, less practice oriented. Also more lecture, more content rather than method. On balance, legal education in the states is better than in Europe from the point of view of the student. Here students get more stimulated to think legally rather than just learn rules; they can talk to faculty.

How important is the course in jurisprudence? Many students shy away from it.

That's one of my complaints about student attitudes at this particular law school. Students tend to perceive themselves as local practitioners filling forms. They do not think big. They want bread and butter. But trying to understand the concept of what is just, how do we decide whether something is just, the relationship between justice and other normative systems like morality, not only enhances the quality of a student as a person, as a thinker, it makes for a better lawyer.

How can students be encouraged to take courses that broaden their horizons?

Well, information is one thing, although I'm not too optimistic about that. Another one is to impose a formal requirement, which is something I have proposed to the Academic Affairs Committee. Also personal promotion by those who teach the courses. The glow from their reputation can extend to some of these courses.

You recently received your J.S.D. What was your dissertation topic?

I teach in the area of conflicts and corporations. I tried to find something that combined the two fields — choice of law to govern corporate action in the context of takeovers. I chose the topic, in part, because of a decision of the Supreme Court, *Edgar v. Mite*, which invalidated the anti-takeover statutes, such as Ohio's, on the theory that they burdened interstate commerce. Some states, including Ohio, then changed the form of their law regulating takeovers from securities regulation to corporate internal affairs. Because of the number, intensity and importance of takeover battles, this is something of current interest. It is also of continuing interest since most of the questions have not been determined yet.

What law should govern in takeover situations?

It is likely that the courts will apply the laws of the state of incorporation, as I also propose in my dissertation. That's a good basic rule, but the possibilities of principled exceptions are intriguing.

Why did you pursue the J.S.D. now?

I wanted to complete something I had started years ago. I don't like unfinished business. It will also facilitate my European peregrinations.

What is your personal interest in legal scholarship?

One of the areas where I've written extensively is the so called no fault law—automobile reparations without fault—but only from the conflicts aspect. So that was a major contribution published in two articles in the *Duke Law Journal*. Also I've written on international business, especially on doing business in Europe for American companies. This writing came out of my experiences in setting up enterprises in Europe—practical problems, tax problems, corporate problems—and was published in the *American Journal for Comparative Law* some years ago.

What have you got underway now?

My revised dissertation will be published in the next couple of months. I also just finished a short comparative law piece on libel of public persons, the *New York Times v. Sullivan* area, in Greek, to be published as a chapter in a book in Greece. With the Dean and Professor Halpern, we are planning to organize a symposium on libel and free speech.

Why publish for a Greek audience?

As a comparative law teacher, I want to make a contribution in Greece, introducing concepts from this system which are totally unknown there. I think there are very few people with the background to do this.

Any other project for the future?

With Professor Kerameus, who visited here last year. We want to write a brief book on international civil procedure, which will be useful in teaching international business transactions. I have also made arrangements for our



law journal to publish a symposium on conflicts, which will include the papers that were presented at the January meeting of the Association of American Law Schools which I moderated. I will be

writing the introduction and an epilogue as well as edit the papers to be presented. This will be a major contribution in conflicts literature.

(Continued on page 31)

Faculty News

New Faculty at the College

From Boardman to Classroom: Corporate Executive Joins Faculty

"Oz"—for some law students it is a corporate law practice. A few even envision themselves seated in the corporate boardroom. But few top executives leave such heady environs to walk back the yellow brick road to law



Professor Sheldon W. Halpern

school. **Sheldon Halpern** did. He joined the College faculty late last summer after a quarter century of successful, diverse corporate legal practice and management experience. The change is not as big as some might suppose. "Teaching in its broadest sense has always been a substantial part of my relationship with my colleagues," Halpern explains.

In spite of Halpern's confession that he scarcely knew what stock certificates were when he entered Cornell University's law school, within a few years of his graduation in 1959 he had become an expert in securities and a Partner in the New York City firm now known as Burns, Summit, Rovins & Feldesman. He left private practice in 1973 to become Vice President, General Counsel and Secretary at Fingerhut Corporation, a multimillion dollar manufacturer and direct marketing retailer located in Minneapolis. Six years later, after engineering the merger of Fingerhut into American Can Corporation, he resumed private practice as Senior Partner with Robins, Davis & Lyons, the third largest law firm in Minneapolis-St. Paul.

Halpern returned to New York and the corporate boardroom in 1980 as Vice President, General Counsel and Secretary of Viacom International, a diversified communications and entertainment conglomerate. Prior to joining the faculty, he was as an independent business consultant to law firms, advising them on structural and management relations.

A long submerged interest in teaching and a desire for wider horizons of legal thought drew Halpern back to the classroom. "I've known for twenty-five years I would teach law," he reflects. "I also had a strong need to do whatever I do with a broader purpose." Another lure was the freedom to set his own agenda. "It doesn't mean working any less," he explains. "In fact, it's quantitatively more 'work', but teaching allows you to order your own life."

Drawing on his extensive corporate experience, Halpern last fall taught a new seminar on problems peculiar to megacorporations with diverse public ownership. The increasing reliance on inside counsel by corporations, he notes, raises distinctive legal and ethical problems. He has outlined some of these in a brief article, "Inhibitions on Independence: The Multi-Function Role of 'Inside' Counsel," in the July 1984 issue of *Bar Briefs* published by the Columbus Bar Association.

This spring, Halpern is teaching Dignitary Torts. He feels the title is somewhat misleading. His subtitle for the course, "Protection of Personality Interests," suggests it will range beyond the usual topics of libel and slander to the "newer areas" of the rights of privacy and publicity, artistic integrity and "moral right."

Halpern is also teaching the first-year contracts course, a course he believes is extremely important. "You can't lawyer without doing contracts," he asserts. This course, too, has been enhanced by Halpern's experience in practice. Law courses too often ignore concern for clients, he suggests. Then he adds, "Talking about law without talking about clients is nonsense."

Change and new beginnings have always had positive results for Halpern, who looks on law teaching as "an opportunity to tilt things a little bit" toward improving the legal profession. With this goal and his expertise, teaching will no doubt add to his already distinguished career.

As a new faculty member, Professor Halpern has quickly become part of the College community. He has responded to invitations to judge moot court arguments, and last fall he moderated a panel discussion on the changing roles of corporate counsel which is reported in this issue. He is presently working with Professor Kozyris to organize this April a roundtable on defamation.

Alumnus Teaches Labor and Employment Law

For a recent graduate from law school, Assistant Professor **Douglas L. Williams** has a diverse background. He left a teaching post at the U.S. Air Force Academy to spend the current academic year on the College faculty.

Williams received his J.D. from OSU in 1980. A month later, he resumed his Air Force career at Edwards Air Force Base in southern California. As Assistant Staff Judge Advocate, he dealt primarily with criminal matters, representing the government in courts-martial and administrative hearings and occasionally acting as defense counsel. In 1982 Williams was appointed Assistant Professor at the Air Force Academy in Colorado, where he taught constitutional and criminal law to junior and senior cadets. In addition to his teaching responsibilities, he participated in union contract negotiations and settlement of union grievances at the Academy.

Last fall at the College, Williams taught employment discrimination. This spring he is teaching labor law and a new course entitled Workers' Compensation and Employees' Rights. He has given the new course some practical bent. "It's important to know the substantive law," Williams said. "But you have to know what to do with it, if you're going to help your clients."

The concern for helping clients and the attraction of practice opportunities, regrettably for the College, have resulted in a short teaching tenure for Professor Williams. At the end of the academic year, he will leave the College to become an Associate with Schwartz, Kelm, Warren & Rubenstein, Columbus. The College is proud of his achievements and wishes him well in his new association.



Professor Douglas L. Williams

Slagle Visits at College

After a four year term as Professor and Dean of the Florida State University College of Law, **L. Orin Slagle** returned to the College for the fall semester 1984 as a Visiting Professor.

Slagle first joined OSU's law faculty as Assistant Dean in 1961. He became a full professor in 1971 and served as Dean of the College from 1974-78. He left OSU in 1980 for Florida State where he remains as a member of the faculty.

Professor Unites Law, Language and Philosophy

Language is a bridge between philosophy and law, according to **Thomas D. Eisele**, who joined the College faculty last fall as Visiting Professor. Eisele has crossed that bridge more than once. He holds a B.A. with honors in philosophy from the University of Wisconsin (1970) and a J.D. from Harvard University (1973). Last December, The University of Michigan awarded Eisele a Ph.D in philosophy.

Eisele is teaching the first-year Property course and assisting Dean Rhonda Rivera with the College's advanced legal writing course.

Recent philosophy of language is the hinge point for Eisele's Modern Legal Thought course. He says, "Legal rules and concepts develop as they are applied on a case-by-case basis just as the meanings of words change through use in concrete situations."

Library News

Government Depository. In September the OSU Law Library qualified as an official depository for government documents. The first materials began arriving this January. A special Documents Section will be established with a librarian to assist patrons in the use of depository information. The Law Library has for some time been working toward this status and arranging for the receipt and accessing of acquired documents.

Dialog. Information retrieval services have again been expanded by the Law Library through recent subscription to a service known as DIALOG. This service includes databases from science, technology, social sciences, business, economics and current events. The reference librarians can do a search for law faculty or students with any word, phrase, title or author. Director Kessler foresees extensive use of this information retrieval resource as its capabilities become better understood.

Ruth Kessler Named to Head Law Library



"We're not going to dispense with books" — Ruth M. Kessler, Director, Law Library

Seventeen years ago **Ruth Kessler** literally walked in off the street and asked Professor Erwin Pollack if there were any openings for a librarian in the law school. Last fall, after a national search, she was selected to occupy the very office Pollack held at the time—Director of OSU's College of Law Library. The appointment is more than a tribute to Kessler's long service to the College. It recognizes her administrative skills, her visionary perspective on libraries, and her ability to change to meet change.

Ruth Kessler earned her bachelor's degree in economics from OSU in 1937. Two years later she received a J.D. from OSU's College of Law. After graduation, she practiced for a year with a small firm in Dayton, Ohio, and then spent a year with the Contracts Division at Dayton's Wright-Patterson Air Force Base. After devoting the next twenty-three years to raising her children, Kessler took on a part-time position in the reference department at the Upper Arlington Public Library. When her children finished school, she became head of the department and was subsequently named Acting Director.

In 1968 Kessler was hired to head the catalogue department of the law library, a position she held for five years. Her promotion to Assistant Director in 1973 gave her responsibility for

administering the law library budget, supervising its personnel and directing the acquisition policy. When Mathew Dee retired as Director in January 1984, Kessler assumed the duties as Acting Director.

If ever there was a "self-starter," Ruth Kessler is one. Without the advantage of formal training in library science, she acquired her skills in library administration on the job. When the computer revolution came to law libraries, she took the initiative to master the intricacies of computerized legal research. Hundreds of present and former students owe their training on Lexis to Kessler who for several years has taught that portion of the first-year legal research course.

Since the day Kessler arrived at the law library, she has witnessed many changes. The collection has swelled to fill nearly all available shelf space. Patronage has at least doubled. More important, she says, outside use of the library has increased tremendously. "There's hardly a discipline on this campus that does not have a law related course," Kessler notes, and people teaching and taking those courses invariably need to use the law library.

The most significant change, in Kessler's view, has been the technological revolution. Twenty years ago, as far as libraries were concerned, "computer" was just a word in books on their shelves. There was no OCLC or LCS (acronyms for electronic cataloging and information retrieval). There was no Westlaw or Lexis. Moreover, Kessler adds, "Nobody ever thought of using computers for library records." All that has changed. Today, directors must be familiar with an increasing multitude of ways of getting information which patrons desire and getting it in the most cost effective manner. "Hardware," "software," "bytes," and "on-line" are as much a part of Kessler's lexicon as are "books" and "periodicals."

One thing that has not grown at the law library is space, laments Kessler. Office and shelf space have dwindled to the point where space is a precious commodity. Already, Kessler is planning to move some of the library's printed materials to an off-site storage facility, making them less accessible to patrons.

The technological revolution does not mean we will dispense with printed books, Kessler emphasizes. Those are words to heed, coming from a librarian with her eye clearly on the future.

"Ascending Liability" Topic of Book Co- Authored by Sorensen

"Ascending liability" is a phrase used in the nonprofit sector to refer to the problem, "particularly acute among affiliated nonprofit organizations, where one organization may be held responsible for the liabilities of another." So begins a wide-ranging discussion in the recently published *Ascending Liability in Religious and Other Nonprofit Organizations*, Mercer University Press (1984), of which **Professor Philip C. Sorensen** is co-author.

Professor Sorensen's involvement in this project was an outgrowth of a paper he presented in 1982 at a conference sponsored by the Center For Constitutional Studies at Notre Dame University. His concerns then and now, as reflected in the book, are that the laws applicable to profit organizations and conglomerates for either extending or limiting liability do not fit nonprofit groups and groups organized to serve society in various social and religious endeavors.

The 147-page text and appendices serve to illuminate the legal developments contributing to "ascending liability." The discussions are set against the background of constitutional issues related to church and state, the background of relationships often found within the nonprofit sector, and the analysis of applicable agency and organizational law.

Professor Sorensen and his co-author, Professor Edward McGlynn Gaffney, Jr., of Loyola Law School in Los Angeles, analyze various methods for avoiding liability and the limitations such methods impose upon the structure, procedures and purposes of the nonprofit organization.

Although the book is a seminal work on this topic, Professor Sorensen believes much more remains to be done. "There are yet many unanswered legal and theoretical issues to be addressed," says Professor Sorensen.

Professor Sorensen's interest in this topic derives from both professional and teaching experiences. From 1967-1970, he was the director of a related group of three nonprofit foundations in Indiana, and for three years until 1973 served as



Professor Phillip C. Sorensen

chair of the Center on Corporate Responsibility, a nonprofit, public-interest law firm located in Washington, D.C. Since his association with the College in 1973, he has taught Business Associations, Federal Income Taxation, Legislation and a seminar on Nonprofit Corporations. This present academic year he is teaching first-year Torts. From 1979 to 1983, he served as Associate Dean of the College. All of these experiences contribute to his ongoing concerns about the role and legal environment in which the nonprofit organization operates and contributes to the needs of society.

(Continued from page 28)

If you were the Oracle of Delphi, what would you prophesy for the law school?

As you know, those prophecies were ambiguous enough to accommodate whatever you make of the situation. A famous ancient Greek saying is that it is not enough to pray for the help of Athena, you must shake a leg, too.

To get serious, this College has the potential of reaching for the top. We need an ambitious but understanding dean; a few more senior, distinguished faculty, even as visitors; a better and more attractive building to lift our spirits; the pruning of student provincialism and bar review pusillanimity; the pushing of our *Law Journal* to greater heights; improving the quality of writing all around; and perhaps the establishment of a combination CLE-Graduate Program for advanced study by lawyers as well as jurists.

An ambitious "shaking the leg" prescription indeed. But we are pleased that Professor Kozyris will continue his contributions to carry OSU "to the top." This College, too, has a rich heritage on which to build.

Faculty Share Experiences And Encouragement

The Law Student's Task

Pep rallies and lunch are an odd combination. But the rattling of paper bags and the popping of can tops did not detract from this fall rally. The ingredients left no doubt it was a rally: an enthusiastic leader, hearts and minds set on goals, and a parting challenge—"Get out there and give it your best shot!"



Douglas Whaley

Although rallies are common at OSU, this kickoff speaker was not Earle Bruce but **Professor Douglas Whaley**, the audience not sportsfans but first-year law students, the prize not a bid for the Rose Bowl but a championship legal education.

With his natural enthusiasm for the law and teaching, Professor Whaley easily supplied the rallying spark. "People," he exclaimed, coaching from the podium in Room 201, "lawyers run the world! It's awesome, people. But it's true. You sitting here will soon be those lawyers—and that is a fact!"

Prodding his listeners, he continued, "This is not a thoughtless ritual you are going through. This is serious business. So wake up! Know why you are here. And be sure the answer to that question is that this is what *you* want for *yourself*, no one else."

References to his own law school experiences and the careers of some of his fellow law students emphasized Professor Whaley's theme: "Your task is simple, people. Make yourself into the greatest lawyer you can be. Take advantage of your chance to learn, to excel. Give law school your best shot!"

Professor Whaley encouraged students to build good relationships with their classmates. He exhorted them to work together to shape the initial seeming chaos and fog into clear visions.

In a crescendo of enthusiasm, he urged, "Don't underestimate what you can do. Know also that the effort today will pay handsomely tomorrow."

"Talk the law! Revel in the law! And importantly, enjoy!" So the incantation ran. "Here is where you can pull it all together, where you can prepare to run the world."

Time and Legal Writing

Digital clocks and electronic watches have not made an anachronism of the hourglass. Not when it comes to organizing and presenting the results of legal research, **Professor Jerome H. Reichman** informed more than 150 students and faculty who turned out last fall to hear him explain a method of legal writing he learned and helped to refine as an editor of the *Yale Law Journal*.

Reichman claims the method can be used to write legal memoranda, briefs, notes, comments, longer articles and papers; and for law students a guide for exam writing. He says the method works best at the first draft stage and that it enables a writer to focus sharply on a legal topic without losing sight of its contextual nuances or the broader issues that surround it.



Professor Jerome H. Reichman explains his "hourglass" method

The "hourglass" is Reichman's symbol for a well-organized draft. A draft with the hourglass form, he says, moves from "the maximum degree of abstraction and generalization to the maximum degree of narrowness and concreteness," where the facts, holdings, and reasoning of relevant cases are described. The "hourglass" draft then expands through critical analysis of the cases to conclude with a discussion of "the meaning of it all in the broadest sense."

One advantage claimed for the method is that it allows the reader to appreciate the significance of a particular legal case or problem in a "macrolegal" perspective. Drafts constructed in the hourglass form also mirror the natural flow of thought from concern with law as it appears to be through law as it really is to law as it ought to be, he adds.

Although Reichman refers to his method of organizing legal research results as "this little, hand-me-down, rag-bag, law journal editor's crutch," it is a technique recommended by a man with considerable experience and distinction as a writer.

Reflections On a "Calling" to the Law

In the quiet intimacy of the Moot Courtroom, December 16, **Associate Dean Rhonda Rivera** delivered the address at the College's December hooding ceremonies. She spoke most directly to the sixteen new graduates, reminding them of the ideals which set them on their journey through law school. Those same ideals, Dean Rivera maintained, are the most important reasons for practicing law.

Encouraging the graduates to devote themselves to helping others, Dean Rivera noted that law is above all else a service profession. "Dispute resolution—the meat of lawyering—helps people through troubled times," she asserted. "People who need lawyers are frightened and troubled. You can honestly and empathetically help them."

Urging the graduates to use their professional skills to do good, Dean Rivera emphasized that "Lawyers can do good!" She dismissed the idea that doing good is only a Pollyanna notion and pointed out that lawyers play an important role in saving the environment, establishing due process and guarding civil rights. "These actions are for the good of each and everyone of us."

Exhorting the graduates to do justice, Dean Rivera declared, "You can make this a fairer world. You can make things more equal. You can raise up the oppressed. You can advocate for the silent. You can make a difference."



Dean Rhonda R. Rivera, December Hooding speaker: "Lawyers can make the world fairer."

The rewards for pursuing the ideals of service, goodness and justice may not include praise, money, fame or even gratitude, lamented Dean Rivera. But those who serve others and do good and justice will "gain . . . the most precious commodity in the world, the one no one can take from you—self respect. You will like yourself."

Faculty News Items

Nancy S. Erickson has published an article, "The Feminist Dilemma Over Unwed Parents' Custody Rights: The Mother's Rights Must Take Priority," in 2 *Journal of Law and Inequality* 447 (1984). She has had two other articles accepted for publication. "*Muller v. Oregon* Reconsidered: The Origins of a Sex Based Doctrine of Liberty of Contract" is forthcoming in *Labor History*, and her review of Norma Basch's *In the Eyes of the Law: Women, Marriage, and Property in Nineteenth Century New York* will appear in *Law and History Review*.

Professor Erickson has been awarded an OSU Affirmative Action grant to fund her research on sex bias in the teaching of criminal law. The project will involve a review of currently used criminal law casebooks, design and distribution of a questionnaire to all criminal law teachers in American law schools and compilation of supplementary materials for use by criminal law teachers desiring to remove sex bias from their courses.

During the fall semester Professor Erickson led a brownbag luncheon discussion on "Litigating a Sex Discrimination Case," describing her experiences litigating an employment discrimination case from 1977-83. Last summer she taught a course in American Women's Legal History at the New York University Graduate History Department.

Howard Fink during the academic year has served on the Appointments Committee, the Search Committee for the Law Librarian and the Dean Search Committee. He was appointed by the Provost of the University to serve on blue-ribbon panel to study the undergraduate Honors Program. He will be participating in the OSU pre-law program at Somerville College, Oxford University, July 1-August 3, 1985. This will be the second year for this program which he helped to initiate.

Harriett Galvin described the criminal process from arrest to final disposition in a presentation for a Yale University course in Crime and Punishment in March. Last November she participated in a symposium, "Women Lawyers and the Crime of Rape," at the Public Affairs Conference Center, Kenyon College. The symposium focused on what is permissible and appropriate for women lawyers to do in defending alleged rapists. In October 1984, she also was a panelist on a public forum sponsored by the Central Ohio chapter of Mothers Against Drunk Driving, "Plea-Bargaining: How It's Used and Is It Abused?" Professor Galvin is currently completing an article on the interpretation and application of federal and state rape-shield statutes and has begun research for a companion piece on the admission into evidence of "other crimes, wrongs, acts" of a sexual nature when a defendant is on trial for a sex crime.

Peter Gerhart, in addition to his duties as Associate Dean, has been principal consultant to the American Bar Association Standing Committee on Customs in their project to review the role and jurisdiction of the Court of International Trade. He has prepared several background papers for the committee. In May he will participate in OSU's Management Development Program for the American Electric Power Company, by lecturing on public utilities law. In June he will head the Ohio Legal Center's Intensified Course in Antitrust Law.

David Goldberger was guest lecturer at the University of Buffalo Law School in October. He spoke on the First Amendment doctrine of viewpoint neutrality. He participated in The OSU Alumni Association Woman's Day Program last spring, speaking on the law of obscenity. He has submitted an article on the highly publicized Skokie case to the *University of Chicago Law Record* and has filed appellate briefs in *Love v. Denton* (6th Circuit) and *In re Houk* (Ohio Supreme Court). Professor Goldberger is currently serving as General Counsel of the Ohio American Civil Liberties Union.

Arthur F. Greenbaum has published an article, "The Postman Never Rings Twice: The Constitutionality of Service of Process By Posting After *Greene v. Lindsey*," in 33 *American University Law Review* 601 (1984). He is also serving as the Ohio Reporter to the American Bar Association's State Administrative Law Project.

Herman Heads Dean Search



Chairing the College's Dean Search Committee is a major project for Professor Lawrence Herman. Other members of the committee are OSU Law faculty Professors Barbara Ash, Howard P. Fink and David Goldberger; alumnus Judge Robert M. Duncan; Ed Turanchik (L-III); and Professor Simon Dinitz of OSU's Department of Sociology

Lawrence Herman continues writing his casebook on the law of police evidence-gathering practices. The news media, including *U.S. News and World Report*, Associated Press and several Ohio newspapers, frequently interview him on topics on criminal law and procedure. In October, Professor Herman attended meetings of the General Counsel and Board of Directors of the American Civil Liberties Union in New York City, and in November he spoke to the ACLU's West Virginia affiliate on the Burger Court and the Fourth Amendment. Also in October he assisted counsel for the appellant in the first case argued before the Ohio Supreme Court under the state's 1981 death penalty law. He accompanied the College's National Moot Court Teams to the National Competition in New York in January.

Timothy Stoltzfus Jost recently published an article in the *Missouri Law Review* examining the use of defeasible fee deed restrictions in residential subdivisions in the late nineteenth and early twentieth centuries. He also presented a paper to the Nursing Home Committee of the Institute of Medicine of the National Academy of Sciences. Professor Jost's paper addresses the problems encountered by states in regulating nursing homes and makes

recommendations for federal policy. In January Professor Jost participated on a panel on "Health Care Decisionmaking" sponsored by the new Law and Aging Section of the Association of American Law Schools.

Michael Kindred has participated on several panel discussions at The Ohio State University College of Medicine during recent months. Last November he presented a discussion of the doctrine of informed consent at a Grand Rounds session at the medical school. A physician and a nurse also participated in the session sponsored by the Commission on Interprofessional Training and Practice. In January he participated with a physician and a clergyman on a panel discussing legal and ethical ramifications of genetic testing and genetic counseling. The program is presented annually to the medical school's first-year students. Professor Kindred also served on the American Bar Association reaccreditation inspection team for the University of Mississippi School of Law.

Stanley K. Laughlin spent one month in the Eastern Caroline Islands last summer. He was a house guest of the Chief Justice of the Federated States of Micronesia and was studying the court system of that new nation. In March he delivered a paper on part of that research at a meeting of the Association of Social Anthropology in Oceania held in Salem, Massachusetts.

He is serving as co-chair of the Mershon World Affairs Seminar. In October Laughlin presided over an all-day inter professional conference on "Making Victims Whole Again."

Lee Modjeska has recently published "The Tree Fruits Consumer Picketing Case — A Retrospective Analysis," 52 *Cin. L. Rev.* No. 4 (1985), "The Reagan NLRB, Phase I," 46 *Ohio St. L.J.* No. 1 (1985), and "The Supreme Court and the Ideal of Equal Employment Opportunity," 36 *Mercer L. Rev.* No. 3. He has several articles in progress on labor and employment law including "Labor and The Law — The Next Hundred Years" and "The Reagan NLRB, Phase II." He also has a book in progress on "The Influence of Justice Brennan on Labor Law."

Jack Henderson participated with other Ohio law school admission officers on several panels at undergraduate colleges throughout Ohio last fall. He also coordinated three Continuing Legal Education programs sponsored by the College.

Earl Finbar Murphy attended the Seminar in Urban Agglomerations in Szombathely, Hungary, last August. The seminar was sponsored by the 17th Urbanistic Summer University (Savaria). He also visited the Hungarian Institute on Town and Regional Planning in Budapest. As president of the World Society of Ekistics, Professor Murphy attended the General Assembly, and as past-president he attended the meeting of the Society's Executive Council. The sessions were held in Hungary during August. Later that month, Professor Murphy attended to 61st Conference of the International Law Association in Paris, France.

In November, Professor Murphy spoke on "Ground Water Law Concepts" at the 8th Annual Environmental Education Conference, "Ohio's Ground Water Resource." Sponsored by The Ohio Alliance for Environmental Education, the seminar focused on issues concerning the quantity and quality of the state's ground water, pending legislation on ground water ownership and management, and state and national strategies for protection and development of the resource.

Professor Murphy's contribution to the TVA/EPA Biomass Integrated Environmental Assessment Policy Advisory Group will be completed early this year. The group will issue a final report on the project.



Professor Earl F. Murphy honored September 15 for his contributions to natural resource protection and OSU's School of Natural Resources. Craig B. Davis, Director of the school, presents plaque.

John B. Quigley spoke on "Complicity in International Law" at the Seminar on Comparative Law held by the American Association of Jurists in Managua, Nicaragua, in August. In September he spoke at the Annual Conference of the Palestine Human Rights Campaign in Chicago on "United States' Complicity in Israel's Violations of Palestinian Rights." He testified as an expert witness on international law at the "Public Inquiry on Central America: An Investigation into Criminal Violations of U.S. and International Law" held in October by several Chicago civic organizations. In December he was one of ten lawyers engaged in a two-week fact-finding mission in Israel organized by the National Lawyers Guild.

Professor Quigley spoke on "The U.S.-Cuban Fighting in Grenada, 1983" at the International Affairs Seminar at OSU's Mershon Center in November. Early this year he spoke at the Summit United Methodist Church, Columbus, Ohio, on "The Law Relating to Provisions of Sanctuary to Refugees" and on "The Law of Deepsea Mining" at the Third World Seminar at the Mershon Center. He also gave a speech, "Revolutionary Cuba: Toward Accommodation or Conflict?" at a Great Decisions '85 program at Battelle Memorial Institute organized by the Foreign Policy Association. He is scheduled to give several more talks this spring as part of the Great Decisions '85 program.

Jerome H. Reichman has published two monographs, "Design Protection in Domestic and Foreign Copyright Law: From the Berne Revision of 1948 to the Copyright Act of 1976," 1983 *Duke Law Journal* 1143, and "Design Protection after the Copyright Act of 1976: A Comparative View of the Emerging Interim Models," 31 *Journal of the Copyright Society of the U.S.A.* 267 (1984). The articles discuss the protection of ornamental designs and models under U.S. and foreign copyright law. Professor Reichman is currently working on an article concerning the Semiconductor Chip Protection Act of 1984. Last fall he was awarded a University Small Grant to support his research.

Nancy Rhoden has been awarded a National Endowment for the Humanities grant to support a research leave in 1985-86. She will be Visiting Professor of Pediatrics at Albert Einstein College of Medicine in New York City.

Last spring she received a University Seed Grant Program award to support her project, "Fetal Therapy: Ethical Issues and Broader Implications."

In December Professor Rhoden spoke at Conferences on ethical issues in reproduction sponsored by the National Association of Jewish Women and by Planned Parenthood, Inc. Both sessions were held in New York. She also participated on a panel on health care decisionmaking sponsored by the Law and Aging Section of the Association of American Law Schools at its January meeting in Washington, D.C.

A short essay by Professor Rhoden, "Terminating Artificial Feeding for Dying Infants: Ethics, Emotions and Societal Impact," was published in 8 *Death Education* 405 (1984).

Rhonda R. Rivera is completing an article which will be the lead article in the *University of Dayton Law Review's* forthcoming symposium issue on sexual orientation law. She has received a University Seed Grant Program award to support her research on homosexuality and the law, including computerizing the database.

Dean Rivera has been an active public speaker, guest lecturer and panelist. Over the last few months she has been an invited speaker at Action, an organization aiding battered women in Ohio, and at the Dublin Women's Club, Dennison University's Women's Programs and the Columbus Metropolitan Club. As guest lecturer, she spoke to an OSU social work class on parent and child development in alternative families and to the OSU Graduate Seminar on Women in Higher Education. She participated on panels at the Fall Workshop of the Midwestern Region of the American Medical Students Association and at the Association of American Law Schools Workshop on Professional Development for Women in Law Teaching. Last September she led a workshop at the Protection of Children in Institutional Care Conference, and she moderated a panel of the Gay and Lesbian Legal Issues Section at the Association of American Law Schools meeting in Washington, D.C., in January. Dean Rivera was featured speaker at the College's December Hooding Ceremonies.

Dean Rivera is currently serving as President of the Society of American Law Teachers. She has been appointed Co-chair of the Governor of Ohio's Advisory Committee on Executive Order 83-64 and to the OSU President's Taskforce on Affirmative Action.

Nancy A. Rogers participated on a panel, "An Analysis of Standards for Regulating the Neutral Lawyer in Mediation," at the National Conference on Peacemaking and Conflict Resolution held in St. Louis in September. She was also a panelist on the American Bar Association's panel, "Alternative Dispute Resolution in the Law Schools," at the ABA's midyear meeting in Detroit in February. Professor Rogers is organizing a major conference on alternative dispute resolution to be held at the College in April 1985.



Printouts of the 1984 Tax Reform Act provide a mountainous task for Professor Michael D. Rose who culls the relevant sections for the 1985 Edition of his *Selected Federal Taxation Statutes and Regulations*

Michael D. Rose has had published the 1984 Supplement to his *Federal Taxation Statutes and Regulations*. His extensively revised 1985 Edition of *Selected Federal Taxation Statutes and Regulations* is forthcoming from West Publishing Co. He has also published an article, "Major Changes in Domestic Relations Taxation under the Tax Reform Act of 1984," in 57 *Ohio State Bar Ass'n Report* 1604 (Dec. 17, 1984). His *Related Party Transactions under Section 267* will be published soon by the Bureau of National Affairs as a Tax Management Portfolio. Currently, Professor Rose is working on a third edition of John C. Chommie's hornbook, *The Law of Federal Income Taxation*, and an article on the deductibility of transportation expenses of investors.

Professor Rose organized three Continuing Legal Education conferences sponsored by the College: Taxation of Trusts and Estates (June 1984), Tax Reform Act of 1984 (July 1984) and Real Estate Syndication After the 1984 Tax

Act (December 1984). He served as moderator of the Tax Reform Act and Real Estate Syndication conferences and was a featured speaker at the Tax Reform Act conference.

Last spring Professor Rose participated on a panel on financial and estate planning sponsored by The Ohio State University Development Fund in Dayton, Ohio, and on a panel, "The Future Outlook for Bar Exams and Admissions to the Bar," at the League of Ohio Law Schools 50th Anniversary Meeting in May. He was a commentator on an ALI-ABA Video Law Review Program, "Planning Techniques in Divorce Transactions under the Tax Reform Act of 1984," in September, and he participated in the Central Region Internal Revenue Service and Bar Association Meeting in November.

In October Professor Rose lectured at the Columbus Tax Conference. His paper, "Structuring Litigation Awards and Settlements for Injuries with the Tax Collector in Mind," has been published by the conference organizers. Professor Rose is a member of the American Law Institute and the Board of Trustees of the Ohio Legal Center.

Allan J. Samansky's co-authored work appears this April in a new book, *Real Property and Federal Income Taxation*, by Law Journal Seminars - Press. Co-author of the book is colleague Professor James Smith who has recently accepted appointment to the School of Law at the University of Georgia. Professor Samansky is currently working on Tax Management Portfolio No. 289, *Depreciation Recapture and Partnership Transactions*, to be published by the Bureau of National Affairs, Inc.

Morgan E. Shipman presented oral testimony and written statements which helped shape the final version of Ohio Senate Bill 310. Recently signed by Governor Celeste, the act extensively modifies the state's securities laws. Professor Shipman also testified and submitted written statements opposing a bill introduced in the Ohio House of Representatives which would have weakened the state's takeover laws.

Professor Shipman edited the proceedings of the conference panel discussion on Internal Corporate Investigations recently published in 45 *Ohio State Law Journal* 703 (1984) as part of its symposium issue, "Current Issues in Corporate Governance."

Last October Professor Shipman chaired and gave two presentations at the Ohio State Bar Association's 1984 Corporate Counsel Institute session on Attorney-Client Privilege. He also spoke on ethical instruction in law schools at the Conference on Moral Education co-sponsored by OSU. In November he spoke on the ABA's proposed Model Rule of Professional Responsibility at a program sponsored by the Columbus Bar Association.

Professor Shipman is a member of the Ohio Division of Securities Advisory Board and the Ohio State Bar Association's Corporate Law Committee. The committee has been active in initiating and commenting on legislation before the Ohio General Assembly.

Gregory M. Travalio has completed an article, "The UCC's Three 'R's': Rejection, Revocation and (The Seller's) Right to Cure," which will be published in 53 *Cincinnati Law Review*. He is currently working on a book review article tentatively titled "Conceptions of the Right: Charles Fried and Richard Posner."

A Captain in the U.S. Army Judge Advocate General's Corps, Professor Travalio recently completed the Judge Advocate Officer Advanced Course involving extensive study of military and civilian law. In January he participated with Professor Paul Wright of OSU's Department of Agricultural Economics in a program for farmers and creditors on securing various types of farm loans.

Douglas Whaley recently signed a contract to produce a new casebook, *Problems & Materials on Commercial Law*. Little, Brown Co. will publish Professor Whaley's fourth casebook in 1986. His casebook on contracts is scheduled for publication in 1987. Last January Professor Whaley was admitted to the Ohio Bar.

The *Law Record* regrets to advise of the death of Professor Daniel T. Hughes, adjunct professor at the College and collaborator with Professor Stanley K. Laughlin. Hughes was former chairman of the Anthropology Department.

Student News

Enterprising Students Launch New Journal On Dispute Resolution

The College of Law offers no formal course on entrepreneurship. But that has not restrained a group of enterprising OSU law students who are launching a new journal this year. The first issue of the *Ohio State Journal on Alternative Dispute Resolution* will be out in July 1985. Two issues a year are planned.

Prompted by a belief in the value of learning to write well, the venture was conceived early last year. Students proposed founding a second journal at the College initially as a means for providing more law students with an opportunity to gain writing experience. Through a series of meetings during the winter quarter 1984, the idea for the new journal took shape. In the end, the students decided to field a publication focusing on alternative dispute resolution, an area of growing interest to the legal profession.

It was a sound choice. The *Ohio State Journal on Alternative Dispute Resolution* will be the only journal devoted exclusively to rigorous scholarly analysis of the issues in the field. It is also the only journal in the field to be managed and edited entirely by law students.

From the beginning, the new journal has been a student run project, taxing their ingenuity and commitment. Having ascertained start up costs of \$10,000, the students organized a fund raising drive, launched last summer with a donation from the SBA. The drive, aimed primarily at law firms and legal profession organizations, has been an encouraging success. Nearly 90 percent of the firms and organizations that expressed an interest in the new journal eventually contributed to funding the venture.

As if this was not enough, the editorial board was confronted with a multitude of other tasks: assembling a national advisory board, conducting a first writing competition for membership on the journal, securing law faculty approval of academic credit for student participation on the journal, preparing bid specifications and negotiating a contract with a printer, and soliciting feature articles for a journal that had no established reputation.

Hard work and long hours have led to success for the board. The July issue will cover a broad range of issues in dispute resolution in the legal, corporate, domestic relations and environmental contexts. The issue will contain a lead article by Larry Ray analyzing three pilot studies which are part of the ABA's "Multi-Door Project" on court-annexed dispute resolution. Legal scholars, practitioners and leaders of dispute resolution programs have also contributed articles. Several student written articles will also appear in the issue.

The *Law Record* and the College look forward to the publication of the *Ohio State Journal on Alternative Dispute Resolution* and express appreciation for the commitment and hard work of its editorial board and staff. The new journal will contribute to the growing prestige of the College. What greater benefit could we want from such student entrepreneurship?

Co-Editors Contribute Time and Energy

The new dispute resolution journal's 31 member editorial staff is headed by Co-Editors-in-Chief **James Demetry** and **Marcia Egbert**. Both are third-year students with a deep interest in alternative dispute resolution and a strong commitment to the journal's success. Egbert worked last summer for the National Institute for Dispute Resolution in Washington, D.C. Demetry said that starting the venture and editing the journal are "the equivalent of a full-time job."



James Demetry and Marcia Egbert

A desire to succeed and a recognition of a growing need among the legal profession for sound analysis of dispute resolution issues have motivated the co-editors. Egbert said her experience with the National Institute convinced her that many attorneys and court administrators know very little about the "rapidly developing new field of ADR."

The legal and dispute resolution communities, and administrators, faculty and students at the College have also been a source of encouragement. "Everyone we've talked to has been supportive," Demetry said. The co-editors also attribute their success to continued support, encouragement and advice from the editorial board of the *Ohio State Law Journal*.

Dispute Resolution Conference

Support for the new journal is being returned in kind with the journal's involvement in the Ohio Conference on Dispute Resolution to be held at the College April 18 and 19. Several journal members will participate in a conference roundtable on emerging issues in dispute resolution. The journal has submitted a proposal for a Gund Foundation grant for a conference program on the use of meditation in environmental disputes in Ohio.



Editorial staff of the College's new journal, *The Ohio State Journal on Alternative Dispute Resolution*. Some members not present.

Advisory Board Assembled

A prestigious group of advisors has been assembled to serve the new journal on dispute resolution. Members include:

- Professor Merton Berstein**, College of Law, Washington University
David R. Brink, Past-President of the ABA
Marc Galanter, Professor at the University of Wisconsin's College of Law
James Henry, Center for Public Resources
Professor Carrie Menkel-Meadow, College of Law, UCLA
Earl Morris, Partner in the Columbus law firm of Porter, Wright, Morris & Arthur
Ronald Olsen, Chair of the ABA Section on Dispute Resolution
Larry Ray, Director of the ABA Special Committee on Dispute Resolution
Janet Rifkin, Director, University of Massachusetts Mediation Project
Raymond Schonholtz, Director, Community Boards of San Francisco
Linda Singer, Director of the Center for Community Justice
Professor Joseph Stuhlberg, Baruch College, City University of New York
Harry Wellington, Dean at Yale Law School
Professor Nancy Rogers of the College faculty serves as advisor to the journal.



Scott J. Frankel, Editor-in-Chief, Ohio State Law Journal, types in copy on the journal's new computer

New Directions for Ohio State Law Journal

"We have broken with tradition!"

Editor-in Chief **Scott J. Frankel** and enthusiastically. He was alluding to the new paths the *Ohio State Law Journal* is taking.

The Journal entered the electronic age when the College purchased for it a Wang word processor last year. With a direct line from the word processor to the Journal's printer, articles are now typeset in the Journal office. Production of the Journal is much more efficient, and Frankel expects the reduced production time will cut \$8,000 a year from the journal's operating costs.

An amendment to the Journal's constitution has changed significantly the structure of the editorial board. The distinction between articles editors and note and comment editors was eliminated, and with it went what Frankel termed an "undesirable heirarchical relationship" between the two editor categories. The new structure allows all editors to work on articles and "gives first-year students on the Journal more opportunity to work with editorial board members," Frankel said.

Other new paths remain to be explored. Frankel hopes to publish more student articles. "I think everybody who writes on the Journal and who wants to should get published," he stated. He would also like to see more symposium issues, explaining that they provide for interesting counterplays of different views.

A move in that direction has already been made with this year's first issue of the *Journal* which contains a symposium on corporate governance. Described by Frankel as being "on the cutting edge of corporate governance," the issue should be significant because of the recent merger activity among major corporations and the tough legal issues which today's corporate counsel face. This year's second issue, to be published later this spring, will focus on antitrust law and labor arbitration. It will feature an article by Professor Lee Modjeska on reversals of National Labor Review Board decisions.

In the Spirit of Cooperation

A spirit of cooperation was ushered in this year with the advent of the *Ohio State Journal on Alternative Dispute Resolution*. The *Law Journal* board provided advice, encouragement and support to help launch the new journal, and the editorial boards of the two journals cooperated in running their writing competitions last summer, sharing the same set of topics.

Annual Banquet

April 20 will be a gala occasion for *Law Journal* staff. That is the date for the Annual Law Journal Banquet. Former Journal member, **William M. Isaac**, now Chairman of the Federal Insurance Corporation, will be guest speaker. *Law Journal* alumni are encouraged to attend the dinner to be held at the Hyatt Regency, Franklin Room.

Hearsay Upgrades Format

From a not so regular, reproduced newsletter to a professional looking, printer-set newspaper has been the upward climb of the College of Law, student produced *Hearsay*. This year's editors, **David Pomerantz** and **Marcia Egbert**, have continued to improve both format and production schedules. The newspaper serves an important service for and by students, and the staff is to complemented for their efforts. The publication is funded by the Student Bar Association. **Scott Halpert** has been named editor-in-chief for 1985-86.



Moot Court Teams Win Honors In Regional Competition

The national Moot Court Teams fielded by the College of Law distinguished themselves in the regional competition in Detroit last winter. OSU was the only school to have two teams reach the semi-finals, and the teams walked away with the trophy for the Outstanding Ohio Law School. **Carla Baird, Julia Davis and Mark Hamblett** comprised one team. Members of the other were **David Dye, Tim Eagle and Anne Marie Sferra**.

Arguing the rights of excludable aliens, an issue based on the Haitian immigration problem, each of the College's teams defeated its opponent in the Detroit semi-finals, winning over teams from the College of William and Mary and Valparaiso University.

Success forced the two teams to the unique situation of an interim face-off for the final competition round. OSU lost top honors to Syracuse University before a panel of judges that included Sixth Circuit Judge Cornelia Kennedy and former Solicitor General Wade McCree. The team, however, was eligible to continue to the National Competition held in New York during January.



Carla Baird, Tim Eagle and Julia Davis display trophy won as Outstanding Ohio Law School



SBA President Ed Turanchik

Ecologist Cum Lawyer

The path to law school begins early for some. **Edwin (Ed) J. Turanchik**, current SBA President, took the first steps at age 13 when he developed an abiding interest in the environment. That interest led to Ed's two degrees in biology, a background one might not expect to find in a third-year law student who will soon be clerking for U.S. District Court Judge Joseph P. Kinneary. But it is not so unusual for a man who believes that "Law is an important tool for achieving social goals."

A native of Ohio, Turanchik earned a B.S. degree in biology from the University of Cincinnati. His interest in ecology prompted him to enroll in Michigan State's Ph. D. program in population ecology. His graduate studies were interrupted when Ed's longstanding interest in politics led to his being named Michigan Field Director for presidential candidate John Anderson's 1980 campaign. Ed says he so enjoyed electoral politics that he decided to give legislative politics a try, and the next year found him serving as a legislative intern with the House Democratic Caucus of the Ohio legislature. That experience, he says, made law school seem a natural thing to do. Nevertheless, he returned to Michigan State to complete an M.S. in zoology before entering the College in 1982.

Leading SBA Innovations

Recognition that students at the College were faced with several important issues led Turanchik to run for SBA President. It has been a challenging year for him. Under his leadership, the SBA successfully lobbied to increase the number of reading days before examinations, has staged a greater diversity of social and sports events including rafting and skiing trips and intramural teams in water polo, bowling and golf, and is conducting a survey of placement services at twenty law schools with an eye towards recommending changes in the placement office at the College.

Creation of a student funded fellowship is another success. According to Ed, students employed during the summer will be asked to pledge a half or full day's pay to a fund to be used to provide a modest stipend for students working for nonprofit, public interest agencies. Turanchik says the SBA also plans to seek matching funds from law firms and College alumni. Ed believes his most important task as SBA President is his voting membership on the search committee for a new College Dean. The SBA, he says, will be interviewing candidates for the position in an attempt to make a recommendation to the faculty and provost.

Issues Facing Law Students

Two important issues face the College and law students in the immediate future, Ed believes. One is the tension between students' desire to work during the academic year in order to gain practical legal experience and to earn the funds for their legal education, and the need to study to lay a sound legal foundation for their careers. Ed speaks from experience. During his second year as a law student, he worked for the Ohio Public Utilities Commission. The demands of the job, he says, impeded concentration on his studies. Turanchik believes the conflict could be reduced if the College provided scholarships to qualified students with awards contingent on their agreement not to work during the academic year.

Integration of a strong sense of social responsibility into legal careers is the other issue facing law students. Among many students, Ed says, "the prevailing attitude is that they're in it (law) for the money." Turanchik believes the law school has a mission to instill professional values in students.

Life Beyond Law School

In spite of his busy schedule, Turanchik finds some time for activities away from the law school. Here, too, his love of the outdoors and law surface. During the winter he skis cross-country, favoring trails in two parks north of Columbus. He likes to spend summer weekends on his sailboat docked on Lake Erie near Cleveland. Ed is a member of the Board of Directors of the Ohio Environmental Council, where he is currently reviewing Ohio EPA and Department of Natural Resources budgets and working on an acid rain study.

Turanchik's career plans, after he finishes his judicial clerkship, are indefinite. He has a fondness for the Cleveland area, but says a couple of years working in Washington, D.C., would be really challenging. Wherever he goes and whatever he does, Ed's drive, his concern for the environment and his belief in law as an instrument of social change are likely to distinguish him. His service and serious pursuit of his legal education have distinguished his career at this College.



Student Funded Fellowships Support Public Service

A Student-Funded Fellowship program was launched last fall when the SBA voted to approve and encourage its establishment. The program is designed to provide funding for Ohio State law students to pursue summer employment with public interest and public service organizations.

Funding for the program will come primarily from voluntary pledges by current students of a small portion of their summer income. A typical pledge would be one-half of one-day's salary. In addition, firms which have hired a contributing student will be asked to match the student's pledge.

Similar programs have been successful at most of the major law schools across the country. In 1983, 270 students at the University of Michigan pledged a total of \$12,222 to an SFF, providing funds for 12 fellowships.



Barbara Andelman (L-II) chairs Student Funded Fellowship Coordinating Committee

Students seeking fellowship support will be required to submit project proposals and applications to the Board of Directors of the SFF. The SFF will supplement whatever income the fellowship recipients receive from their employers, thus making public interest work a viable option by lightening the financial burden.

The SFF arose out of an interest by law students to encourage work in public interest law. Unfortunately, few public interest organizations can afford to pay summer clerks even a subsistence wage, and few students can afford to volunteer during the summer. The SFF will benefit not only the students who receive the fellowships, but also the law school community by encouraging diversity and a commitment to public service.

Dean Meeks has expressed his support for the SFF, and many faculty members have already lent their assistance and expertise to the SFF Coordinating Committee, including **Professors Goldberger, Reichman, Samansky, Sorenson and Williams.**

The SFF Coordinating Committee, chaired by **Barbara Andelman (L-II)**, currently has 25 student members and conducted a pledge drive this March. Alumni interested in more information about the SFF may contact Ms. Andelman at the law school office or at 614/ 291-5341.

"After-the-Bar" Celebration

Sighs of relief and a little consternation and confusion dominated the joyful conversation in the College's Student Lounge July 26 as nearly a hundred graduates of the class of 1984 gathered to share emancipation from law study and bar examinations. Faculty and administrators of the College joined with the celebrants, some returning to Ohio after taking bar examinations in other states. Diplomas were available for those who attended.

While many fond farewells and good luck wishes were spoken, a few graduates reflected on the examinations and the celebration itself. One graduate expressed relief that questions on the Ohio Bar examination had not been written by Professor Robert Lynn. "How do you know I didn't write them?" Professor Lynn responded with a grin. Yet another celebrant remarked, "I went to the very first reception here at the College at the beginning of my first year. I sure wasn't going to miss the last party."



1984 graduates relax and rejoice after 3 days of bar exams

Success for 144

The real celebration came when 144 of the College's examinees opened their "good news" letter from the Ohio State Bar Examiners. Ohio State students surpassed the 90% overall bar pass rate with a percentage of 96.5.

Congratulations to all who now read of this event as "seasoned" lawyers. We congratulate all the members of the Class of 1984 and we will follow your careers with interest and expectation of continuing success.

Alumnotes

1928

Wayne H. Threlkeld retired from the Federal Trade Commission in 1969, and has recently moved from Chevy Chase, MD, back to Dublin, OH.

1930

Samuel S. Rosenthal has retired and is living in sunny Jensen Beach, FL.

1934

W. Lee Shield has retired as President of the American Life Insurance Association, Washington, D.C. He began his career in insurance as Counsel and General Superintendent of Insurance for Ohio 1947-49. He is the author of several articles in insurance publications.

John T. Walker retired from practice in St. Clairsville, OH. For 16 years he was with the Federal Trade Commission and from 1971-75 served as Representative to the United States Congress.

1938

Cyrus G. Jaffee and his wife are now spending their winters in Tucson, AZ, where two of their children and four grandchildren are living. The remainder of the year they are in Toledo where he keeps active with his firm of Jaffee, Jacobs & Tucker.

1939

James F. Bell writes that he is staying busy doing labor arbitration and conducting seminars in labor arbitration advocacy, Holmes Beach, FL.

Jerome H. Brooks is in private practice in Detroit, MI. He is a labor arbitrator, adjunct professor of labor law, and Chairman of the Michigan Civil Service Employment Relations Review Board. He previously served as Regional Director of the National Labor Relations Board, 7th Region.

Eugene J. Mahoney, Partner, Porter, Wright, Morris & Arthur, Columbus, OH, devotes his practice to intellectual property, patent, trademark and copyright law.

John B. (Jack) Nordholt, Jr., Chairman, Webster Industries, Inc., Tiffin, OH, retired January 31 and is now field sales consultant for Ohio and the west coast for David L. Babson & Co., Inc., an investment counseling firm, Boston, MA.

Margaretta B. Schuck, private practice, Findlay, OH, and formerly Probate Judge of Hancock County, October 12 received the Citizenship Award from The Ohio State University Alumni Association. Her three sons are all attorneys.

Paul D. Strader, Jr., has retired from practice and is living in Long Beach, CA. He has served as Commander, American Legion Post 445, and in 1979 received an Honorary Doctor of Laws Degree from Pacific Coast University.

1947

Stanley Schwartz, Jr., Columbus, was an advocate profile feature in the **CBA News**. As Chairman of Schwartz, Kelm, Warren & Rubenstein he maintains an active practice, particularly serving clients as the Limited, Inc. He is director of four corporations and a trustee and contributor to many community organizations. He is a Fellow of the Ohio State Bar Association and serves on committees of both the OSBA and the ABA.

1948

William B. Saxbe, formerly of Jones, Day, Reavis & Pogue, Columbus, OH, is now Partner in the firm of Saxbe & Anderson, Mechanicsburg, OH, and Of Counsel to Pierson, Ball & Dowd, Washington, D.C.

1949

James R. Burchfield is Partner, Burchfield & Burchfield, Columbus, OH. His activities have included service as President, Ohio Bar Liability Insurance Co.; International President, Sertoma International; and arbitrator, American Arbitration Association.

Richard T. Cole, presently Judge, Common Pleas Court, Clark County, Springfield, OH, has long served the Ohio judiciary. From 1956 to 1973 he was Judge, Municipal Court of Springfield, and from 1973-1976, Probate Judge, Clark County.

Richard O. Gantz, Senior Partner, Hughes, Thorsness, Gantz, Powell & Brundin, Anchorage, AK, supervises the firm's practice of oil & gas, municipal and utility law. He has practiced in Anchorage 22 years and served as City Attorney for 4 years. He was the first lawyer from Alaska to serve on the Board of Governors of the American Bar Association. He was succeeded in 1983 by fellow classmate, **John Schwabe** of Portland, OR. He and his wife came the longest distance for their class reunion.

Ralph W. Howard, President, Frericks & Howard, Marion, OH, also serves as General Counsel of L-K Restaurants & Motels, Inc. He received the Outstanding Citizen Award for Marion County and has served as President, Marion County Bar Association, and on the OSU Alumni Advisory Council.

Donald J. Lett, Loudonville, OH, has retired from the practice of law.

Charles A. Linch, Partner, Cinque, Banker, Linch & White, Bellaire, OH, serves as Commissioner for Belmont County and on the Ohio Rehabilitation Service Commission.

Webster S. Lyman, Jr., private practice, Columbus, OH, received the Humanitarian Award, Gamma Delta Sorority, Dayton, OH, in 1983 and was General Chairman for the Lawyers Christian Fellowship Conclave in 1984.

James H. McGee returned to private practice in 1982 after serving 12 years as Mayor of Dayton, OH.

Eldon E. Montague, Partner, Noble, Montague & Moul, St. Marys, OH, currently serves as a member of the Executive Committee of the Ohio State Bar Association.

Robert J. Shockling is presently an Associate in a group of seven attorneys, Canton, OH. He served as Law Director of the City of Louisville from 1954 to 1983.

James E. Thierry has served as Judge, Common Pleas Court, Port Clinton, OH, since 1979; from 1973 he was Judge of the Municipal Court.

John C. Wagner is presently Of Counsel to the firm of Lane, Alton & Horst, Columbus, OH, following retirement as Senior Vice President and General Counsel, Nationwide Insurance Companies.

Dean W. Wise is Chairman of the Board, Compensation Consultants, Inc., Columbus, OH.

1951

Donald E. Calhoun, Jr., has become Of Counsel to the firm of Lane, Alton & Horst, Columbus, OH.

Robert W. Eastman is Senior Partner in the firm of Latham, Eastman, Schweyer & Tetzlaff, in Burlington, VT, not Arlington, VA, as reported in our last issue.

1952

Robert E. Boyd, Jr., Partner, Boyd & Boyd, Columbus, OH, is Chairman, Board of Tax Appeals for the State of Ohio, a post he has held since 1976.

Robert M. Duncan, Judge, United States District Court, Southern District of Ohio, will be joining the law firm of Jones, Day, Reavis & Pogue, Columbus, OH.

Andrew R. Sarisky is currently serving as City Attorney of Soldotna, AK, and Attorney for the local school district.

1953

John P. Gallagher, Partner, Farver, Tattersall & Gallagher, Elyria, OH, was inducted into the the American College of Trial Lawyers during the annual ACTL meeting in Chicago.

1955

Robert M. Edwards is Vice President and General Counsel of Goldome, Buffalo, NY.

1958

John C. Burkholder has moved to the Cleveland office of Means, Bichimer, Burkholder & Baker.

1959

Joseph E. Andres is Assistant Corporate Counsel, SCOA Industries, Inc., Columbus, OH.

Alan E. Berman is President, Nor-Lite Industries, Inc., Cleveland, OH.

Nicholas L. Demos is with the Office of Justice Assistance, U.S. Dept. of Justice, where he serves as Program Manager for State Courts and Corrections programs.

Albert W. Eoff II currently serves as Chief Judge, U.S. Navy - Marine Corps Court of Review, Washington, D.C.

Richard J. Fraas, Senior Vice President and Trust Officer, The First National Bank and Trust Company, Troy, OH, received the 1984 Troy Jaycees Community Service Award. He is past president of the Miami County Bar Association.

Lowell B. Garverick, Partner, Petri, Hottenroth, Garverick & Tilson Co., Galion, OH, is a Director of the Ohio Bar Liability Insurance, Co., and has been an active member of the county and state bar associations.

R. Otto Meletzke is Associate General Counsel to the American Council of Life Insurance, a trade association for 615 life insurance companies, Washington, D.C.

Clark S. Miller, retired FBI agent, is Security Director for Great American First State Bank, San Diego, CA, the nation's 9th largest savings bank.

Lloyd E. Moore, Private Practice, Ironton, OH, has had photographs exhibited in the 1983 London Salon, The Royal Photographic Society's annual exhibit, and the 44th International Photographic Salon of Japan in 1984. Anderson's Publishing Company has contracted to do a revised edition of his book, *The Jury*, written in 1973.

Daniel M. Snyder, Senior Partner, Snyder & Alge, Findlay, OH, was Battalion Commander, Ohio National Guard, LTC, for 25 years.

John P. Van Abel, Principal Partner, Amerman, Burt & Jones, Canton, OH, served as President, Ohio Society of Hospital Attorneys, 1982-84, and is currently on the Board of Directors, American Academy of Hospital Attorneys of the American Hospital Association.

Stuart A. Summit, although a busy and successful partner with the New York law firm of Burns, Summit, Rovins & Feldesman, has committed a significant part of his energy and professional life to judicial selection processes. For the past twenty years he has been actively involved in the screening of judicial candidates for various courts within New York state.

From 1965 to 1977, he served as Executive Secretary of the New York Mayor's Committee on the Judiciary, charged with the screening of candidates for mayoral appointment to specific courts. By amendment to the New York State Constitution in 1977, direct election of judges was repealed and the Commission on Judicial Nomination was created. Summit was immediately called upon to help direct the organization of the Commission. Since 1978, he has been employed as Counsel, and he and his assistant personally direct investigations and undertake interviewing procedures for all judicial candidates subject to appointment by the Governor of the State.

Although Summit is compensated as Counsel, the Commission gets a bargain. About "a third of my year," says Summit, is given over to Commission work. The panel's activities are frequently a matter of public attention. The December 2 *New York Times* carried a picture of Summit and the Commission Chairman with a story about candidates for appointment to the New York Court of Appeals.

Summit also has been a long time supporter of the College and University. He is a member of the College's National Council and for 1984-1985 serves as Chair, University Alumni Advisory Committee.

1960

Charles R. Petree II was elected Judge, Probate Court of Franklin County, last November.

1961

Robert J. Perry, private practice, Columbus, OH, has been elected Vice President of the Columbus Bar Association Foundation. He is a former President of the Columbus Bar Association.

Robert N. Wistner, private practice, Dublin, OH, has been elected Secretary-Treasurer of the Columbus Bar Association Foundation. He is immediate Past President of the Columbus Bar Association.

1962



David H. Pohl, recently has been appointed General Counsel and Secretary, Gibraltar Money Center, Inc., San Diego, CA, a subsidiary of Gibraltar Finance Corp of California (an \$8 billion financial services holding company). He leaves his own management consulting practice in Carlsbad; he has been president of two start-up ventures in San Diego.

1964

James W. Carpenter is Senior Counsel, Western Southern Life Insurance Co., Cincinnati, OH, and maintains a small private practice with the firm of Carpenter & Wagner.

Helena E. Jackson is Assistant Vice President and Trust Officer, First Bank of Duluth, MN.

David L. Johnson is a Partner, Crowley, Haughey, Hanson, Toole & Dietrich, in Billings, MT. He is a Fellow of the American College of Probate Counsel and a frequent CLE speaker.

David C. Kelley is Vice President & Legal Counsel, Vita-Fresh Vitamins Co., Garden Grove, CA. He previously served as General Counsel for Superior Trucking Co. of Atlanta.

Charles B. Lang was named July 1, 1984, Executive Vice President & Trust Officer - Bank One of Eastern Ohio, Youngstown, OH, and serves as Chairman of the Financial Commission of City of East Liverpool by appointment of Governor Celeste. He has received distinguished service awards from various community organizations, including the Jaycees and Chamber of Commerce.

David E. Miller is an estate planning attorney with offices in the San Francisco Bay area. He is the author of a book titled, *Avoid Taxes Legally*. He initiated a statewide effort to eliminate the California Inheritance Tax, which was approved by the voters and became law.

Frank E. Pfaff is Pension Plan Investment Portfolio Manager, Columbus, OH. He was certified in 1983 as a C.P.A., is an adjunct Professor of Business Management at Franklin University and has authored several publications on pension funds and insurance.

Arnold R. Shifman and Robert I. Friedman, through merger of their firm of Shifman & Friedman in 1984, are Partners in Black, McCluskey, Souers & Arbaugh, Canton, OH.

1965

Robert L. Steinberger has been named President of Nord Resources Corporation, an international resource company listed on the American Stock Exchange. He previously served as Vice President and General Counsel.

1966

Dominic J. Chieffo was the advocate *CBA News* profiled Sept. 14 as a fast moving successful professional who makes time for family, community service, and hobbies such as old car restorations. He is a sole practitioner in family law and corporate litigation.

Beatrice K. Sowald has been appointed Judge, Municipal Court, Columbus, OH.

1967



Ed Cooperman was promoted this past December to Executive Vice President - Travel Management Services of American Express Travel Related Services Company, Inc., a wholly-owned subsidiary of American Express Company. He is responsible for American Express Travel Management Services, which combines the American Express Corporate Card and the Company's business travel service. He has also assumed responsibility for American Express/BPF Travel, Inc.

Cooperman joined American Express Company in 1972 as an attorney and served as Senior Counsel for its worldwide Card Division before being given responsibility for the Gold Card program. In 1980 he was promoted to Vice President and General Manager of American Express Canada, Inc., and subsequently became President of that subsidiary. In July he returned to the headquarters and was named Senior Vice President of the Travel Services Division. He played a key role in developing the Company's Express Cash program, the first interchange cash dispensing network in the United States.

Prior to joining American Express, Cooperman was an Associate Professor of Law at the United States Military Academy at West Point. In addition to his J.D., he holds an L.L.M. degree from the New York University School of Law. He presently resides in Short Hills, NJ, with his wife, Judith, and their two children.

Ronald E. Schultz is Partner in Jablinski, Folino, Roberts, Schultz & Martin, Dayton, OH.

Ronald J. Zeller, President, Norwegian Caribbean Lines, has announced that NCL recently acquired Royal Viking Line of San Francisco, CA. The combined operation will position NCL as the largest cruise line in the world.

1968

Dale Crawford, Judge, Franklin County Common Pleas Court, was honored September 19 by the Columbus Bar Association for his guidance in developing and his role as presiding judge in the production of the highly acclaimed *State v. "Gold E. Locks"*, a one-half hour videotape program. The project combined public and private sector initiatives toward law-related education for elementary level children.

1969

Michael M. Briley, Partner, Watkins, Bates & Handwork, Toledo, OH, is currently chairing the Antitrust Section, Ohio State Bar Association.

James F. Fell is practicing utility law as Partner, Stoel, Rives, Boley, Fraser & Wyse, Portland, OR. His career took him to New York, Los Angeles and Idaho before settling in Oregon.

Jeffrey E. Fromson recently was named General Counsel, Converse Inc., Wilmington, MA.

James D. Henson, Judge, Court of Common Pleas, Mansfield, OH, is currently serving as President, Mansfield Kiwanis Club.

Robert E. Levey is Vice President - Investments, Prudential-Bache, Toledo, OH.

F. Harlan Loffman is presently Senior Vice President, First Interstate Bank of Arizona, Phoenix, AZ.

James R. McIlvaine, Partner, Palecek, McIlvaine, Foreman & Paul, Wadsworth, OH, is currently President, Ohio Academy of Trial Lawyers. He is immediate Past President of the Medina County Bar Association.

Nicholas A. Paras, after six years with the Chase Manhattan Bank in New York, has taken up residence in Piraeus, Greece, and is involved in management responsibilities in shipping operations, tourist and real estate development. He is Greece-Cyprus advisor for Banque Francaise du Commerce Extérieur.

Thomas J. Riley, Partner with Riley, Ucker & Lavinsky, is presently serving on the Upper Arlington Board of Zoning & Planning. He was founder and first co-chairman of the Columbus Tax Conference and has lectured at various legal seminars.

Alan B. Smith III in March of 1984 was appointed Director of Government Affairs of the Soap and Detergent Association in New York. The previous 6 years he was area Legislative Representative for Nationwide Insurance Companies in Pennsylvania.

John S. Steinhauer is Partner, Amer, Cunningham & Brennan, Akron, OH. He is Chairman of the Board of Trustees of the University of Akron.

1970

A. Michael Schwarzwald is now associated with GTE Sprint in Legislative Affairs.

1971

Ronald E. Alexander was voted outstanding Professor for 1983-84 at the University of Akron College of Law.

1972

Robert J. Hopperton has been named Associate Dean for Academic and Fiscal Affairs at the University of Toledo College of Law.

1973

Kit Robin Becker has been appointed Director of Taxes, Arvida Corporation, Boca Raton, FL. He formerly was with Coopers & Leybrand.

Leonard L. Hopkins, Jr., was selected by Virginia's Attorney General as winner of the 1984 Distinguished Service Award for his representation of various state agencies dealing generally with employment, training and civil rights; he has also served as counsel to a number of gubernatorial task forces.

Scott M. Lewis has attracted national attention to his professional activities in the area of forensic medicine. Much of his work has been devoted to a forthcoming book, *Litigating Obstetrical Malpractice Cases*, to be published this spring by John Wiley and Sons. The book offers medical background material with illustrations to help the attorney understand the physiological issues involved in obstetrical and gynecological malpractice. Case analyses and commentaries provide helpful "pointers" for the medico-legal practitioner.

Lewis is on the faculty of the Samford University Cumberland School of Law, Birmingham, AL. This spring he is a Visiting Professor at Texas Tech University in Lubbock, TX. Spring activities also include conducting a Risk-Management Seminar at the University of Alabama in the area of obstetrics and a CLE program for the Alabama Trial Lawyers.

In addition to his course in Law and Medicine, Lewis teaches Evidence. His most recent publication is on the federal hearsay rules and appears in 15 *Rutgers Law Journal* 1.

1974

Dennis N. Balske is Legal Director of the Southern Poverty Law Center and received the President's 1984 Commendation Award, National Association of Criminal Defense Lawyers.

Nancy G. Brown is Senior Attorney with Borden, Inc.

Edward R. Claggett is Director of International Taxes for Sheraton Corporation, Boston, MA.

James R. Fox, Professor of Law at Dickinson School of Law, Carlisle, PA, contributed an article, "The Expanding Role of International and Comparative Law Studies," for the special sesquicentennial issue of the *Dickinson Law Review*.

J. Frederick Gatzke, Trial Attorney, N.L.R.B., Indianapolis, is also serving as Deputy Staff Judge Advocate for the 123d U.S. Army Reserve Command.

Sandra S. Kerrick, Partner, Franz, Naughton & Leahy, Crystal Lake, IL, has been active in bar and community activities including Commissioner of Illinois Supreme Court, co-chair of the Inquiry Panel for Disciplinary Commission, Board of Directors of McHenry County Bar Association, McHenry County Estate Planning Council, Crystal Lake Chamber of Commerce and (president) public school foundation for private sector assistance to excellence in public schools.

Charles H. Knight has been Judge, Common Pleas Court, Pomeroy, OH, since 1982.

David A. Snaveley is Vice President, Counsel and Secretary, The Toledo Trust Co.

Shelley J. Venick is General Attorney, Santa Fe Industries, Inc., Chicago, IL, handling employment matters for Santa Fe Southern Pacific and lead counsel for its construction subsidiary.

Sheldon H. Weisberg practices in Kingman, AZ, and is Councilman for the City. He is also a Major in the U.S. Army Reserve.

Douglas W. Vanscoy has taken up residence in Olympia, WA, and is Deputy Prosecuting Attorney, Pierce County, Tacoma.

1975

Marjorie Crauder Briggs, Partner, Porter, Wright, Morris & Arthur, general litigation, was profiled in the *CBA News* as a successful lawyer whose practice, family and community service keeps life interesting and fun.

Ray A. Farris, Partner, Fuller & Henry, Toledo, OH, has been elected to the Board of Trustees, Toledo Crittenton Services.

Jeffrey V. Nackley has been named Legal Editor, Bureau of National Affairs, Washington, D.C.

1976

Daniel L. Manring has become Senior Partner, Barkan & Neff Co., L.P.A., Columbus, OH.

David C. Penzone has been named Partner, Touche, Ross & Co., Columbus, OH.

1977

Mark B. Barnes, formerly of Baker & Daniels, has joined the firm of Davis & Leagre, Indianapolis, IN.

Cheryl Blackwell Bryson has been made Partner, Katten, Muchin, Zavis, Pearl & Galler, Chicago, IL.

Nancy L. Sponseller has established a practice partnership of McFadden & Sponseller, with offices at 2727 Tuller Parkway, Dublin, OH. She leaves association with Topper, Alloway, Goodman, DeLeon & Duffey.

1978

Patricia A. Folkerth was transferred in 1983 to the Pasadena, CA, Office of the Social Security Administration, Hearings and Appeals.

James A. Rutledge has become Partner, Isaac, Brant, Ledman & Becker, Columbus, OH.

1979

Daniel O. Conkle has been appointed Assistant Professor, Indiana University School of Law, following association with Taft, Stettinius & Hollister, Cincinnati, OH.

Robert A. Ellison is Managing Partner, Albright, Bradley & Ellison, Parkersburg, WV.

Susan Shiffler Enlow has joined the firm of Fredrikson & Byron, Minneapolis, MN.

William A. Heidrich III, Patent & License Attorney, The Standard Oil Company of Ohio, Cleveland, is responsible for all intellectual property matters of the company. He and his wife have a son, born July 1984.

Renee J. Houser is serving as Chief, Division of Oil and Gas, Department of Natural Resources.

Cynthia S. Huber has recently joined the Environmental Enforcement Section, Department of Justice. She was with the Futures Trading Commission for four years. Before her new association she enjoyed a safari to Kenya.

Melodee Siegel Kornacker has established her own practice where she is Of Counsel in the offices of McFadden & Sponseller, Dublin, OH. She was formerly associated with Schwartz, Shapiro, Kelm & Warren.

Timothy C. McCarthy, Attorney Shumaker, Loop & Kendrick, is serving as Adjunct Professor, University of Toledo Law School, teaching labor law.

Brent B. Nicholson, upon leaving Arthur Young & Co., is an Associate, Coburn, Smith, Rohrbacher & Gibson, Toledo, OH. He has co-authored a publication appearing in *Taxation for Lawyers and Taxation for Accountants* and is an Adjunct Professor at Bowling Green University.

Mindy S. Rodney, Partner, Spilios & Rodney, Miami, FL, is engaged in practice of immigration and nationality law.

Mary Safranski, Vice President, Standard Oil Realty Corporation, Chicago, IL, changed her name to Hart upon her marriage in Rome this fall.

Evelyn J. Stratton, Associate, Hamilton, Kramer, Myers & Cheek, Columbus, OH, has been active in bar and community activities, including Chair, Noon Luncheon, Court of Common Pleas Committees, and presently Board of Trustees of CBA, Board of Trustees Live Resources, and Civitan; Vice Chair, Attorney Drive, United Way. In 1984 she received commendation for service from the Ohio House of Representatives and Outstanding Woman of America Award. Any extra time is devoted to her husband and year-old son.

David M. Whittaker has joined the firm of Zacks, Luper & Wolinetz Co., L.P.A., Columbus, OH.

Stephen J. Yurasek, Partner, Allen, Howard & Yurasek, Marysville, OH, was 1984 President, Union County Bar Association, and is a part-time Juvenile Court Referee, Union County.

1980

Martha G. Althaus has been promoted to Claims Manager for professional liability operations by Physicians Insurance Co. of Ohio.

Glen L. Glenn is Director of Admissions, Loyola School of Law, New Orleans, LA.

Jeffrey L. Hayman has been transferred to the New York Office of Simpson, Thacher & Bartlett. He was married to Janet Lynn Meunier on July 14, 1984.

Steven J. Pecinovsky, U.S. Air Force Academy, has been assigned to Taegu, Korea, as Staff Judge Advocate; he was Assistant Staff Judge Advocate, Colorado Springs, CO.

Timothy S. Trigilio was made Partner, Colella, Stumphauzer & Trigilio, Lorain, OH, in October 1984.

Andrew O. Whiteman was made Partner, Akins, Mann, Pike & Mercer, Raleigh, NC.

Alan Winters has joined Howard J. Muchnick Law Offices, NY, as an Associate.

1981

J. Richard Chema, Lt., JAG Corps, U.S. Navy, has been transferred to the Staff Judge Advocate for Commanding Officer, Naval Air Station, North Island, CA.

Garth Gartrell has moved to California with Wyatt & Co., San Diego.

Joe Karpowicz recently joined Vorys, Sater, Seymour & Pease, Columbus, as an Associate.

1982

Ralph Bauer is serving in Wiesbaden, West Germany, as Captain, JAG Corps, U.S. Air Force. He has been on active duty since July 1983.

Sue L. Chema, Lt., JAG Corps, U.S. Navy, is serving on the Staff of the Commander, Surface Forces Pacific Fleet, and is prosecuting courts-martial. The Lts. Chema have a six month-old daughter.

Thomas A. Hampton is now an Associate with the firm of Yoss & Starr, Woodsfield, OH. He served as law clerk to a U.S. District Court Judge in Atlanta, GA, following graduation.

Patrick Janis has recently become an Associate, Freund, Freeze & Arnold, Dayton, OH.

Andrew R. Leeper recently has become associated with Coolidge, Wall, Womsley & Lombard, Co., Dayton, OH.

Steven M. Magas has become an Associate with Carroll, Bunke, Henkel, Haverkamp & Smith, Cincinnati, OH, following a clerkship with the Twelfth Appellate District.

Evelyn M. Robinson has been named Attorney with the Consumer Counsel for the State of Ohio.

Dan Shaban has undertaken a new association with Wilson J. Trombley, Wolcott, CT. His former position with Moynihan & Ruskin has been filled by classmate **Patrick J. Filan**.

Bruce R. Thompson has recently joined Peat, Marwick, Mitchell & Co., Columbus, OH.

1983

Brian K. Berman, Associate, Marquis & Haney, Las Vegas, NV, was married last August.

John Bruno, Legal Division, Office of the Comptroller, Washington, D.C., received a special Achievement Award for his work in the area of electronic banking.

Linda Fisher, Environmental Protection Agency, Washington, D.C., was mentioned in the *Legal Scene*, December 17, 1984: "One lawyer whose star is clearly on the rise is Linda Fisher, Thomas' (new EPA Administrator) special assistant. She is expected to accompany Thomas to the 12th floor where she has impressed lawyers in the private sector."

Nick Hennessy is an Associate, Trenam, Simmons, Kemker, Scharf, Barkin, Frye & O'Neill, Tampa, FL.

Michael A. Yates, following his clerkship, has become an Associate, Gevurtz & Menashe, Portland, OR.

1984

John P. Kelly, Office of the District Attorney, Brooklyn, NY, was pictured and quoted in the October 11, 1984 *New York Times*, "New York's New Prosecutors Get Fast On-the-Job Training."

The *Law Record* thanks those who have submitted information for this section and invites others to send current news for publication. We regret news is not available for all classes and that space limitation may restrict listings in any given issue.

IN MEMORIAM

The *Law Record* regrets to report the following deaths among its alumni:

Arvin J. Alexander, '36; **Hugo Alexander**, '31; **Robert C. Alexander**, '39; **John J. Charles**, '72; **Arol L. Chatfield**, '31; **Carlton S. Dargusch, Sr.**, '27; **John F. DeMuth**, '40; **Hubert C. Dutro, Jr.**, '62; **Joseph L. Eisenberg**, '35; **Roland A. Fuller, Jr.**, '52; **Ralph B. Hammack**, '50; **Rutherford A. Hawley**, '31; **Robert H. Hoffman**, '27; **George R. Hunter**, '54; **Robert R. Hyatt**, '50; **Hudson Jefferys**, '40; **B. Wade Jenkins**, '25; **Joseph H. Klein**, '53; **Harry G. Levy**, '20; **Leon P. Loechler**, '39; **David T. G. Lum**, '24; **Jack D. Potts**, '49; **Robert E. Schumaker**, '29; **J. Urlin Schoenborn**, '35; **Harry B. Shaefer**, '49; **Wilbur L. Shull**, '30; **Justin L. Sillman**, '25; **William D. Snow**, '37; **John L. Smart**, '60; and **Faye Blackburn Stone**, '39 and **William W. Wehr**, '58.

Calendar for the College of Law

April 18-19

Ohio Conference on Dispute Resolution
Ohio Union

April 20

Ohio State Law Journal Banquet
Guest: William M. Isaac, Chairman FDIC
Hyatt Regency

May 10

College of Law Alumni Breakfast
OSBA Meeting, Convention Center

May 11

50-Year Reunion Class of 1935
Fawcett Center for Tomorrow

May 17

CLE Program on Estate Planning
Stouffer's Dublin Inn

Meeting of the National Council
College of Law

May 19

1985 Hooding Ceremonies
Guest: Senator Joseph R. Biden, Delaware
Mershon Auditorium

September 27-28

Annual Alumni Return



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